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# JOURNALS OF THE SENATE AND ASSEMBLY

FOETY-SIXTH (EXTRA) SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA

OCTOBER 22, 1926





## CALIFORNIA LEGISLATURE—SENATE.

FORTY-SIXTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,  
SACRAMENTO, Friday, October 22, 1926.

The Senate met at ten o'clock a.m., pursuant to the provisions of the proclamation of His Excellency, Friend Wm. Richardson, Governor of the State of California, dated October 14, 1926, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor C. C. Young, President of the Senate, in the chair pursuant to the provisions of section 238, article II of the Political Code.

Pursuant to the provisions of section 237 of article II of the Political Code, Joseph A. Beek, Secretary of the Senate; Harold J. Powers, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant Governor C. C. Young now called the Senate to order. The roll was called and the following Senators answered to their names:

Senators Allen, Baker, Boggs, Breed, Canepa, Chamberlin, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Johnson, M. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—37.

Quorum present.

PRAYER.

By invitation of the President, prayer was then offered by the Rev. Bryant Wilson.

LEAVE OF ABSENCE.

Senator Tubbs was, on motion of Senator Crowley, granted leave of absence for this day.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE  
IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT,  
STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened: now, therefore

I, Friend Wm. Richardson, Governor of the State of California, by virtue of the power and authority vested in me by section 9 of article V of the constitution of the State of California, do hereby convene the Legislature of the State of California

to meet and assemble in extraordinary session at the State Capitol at Sacramento, California, on Friday, the twenty-second day of October, 1926, at the hour of 10 o'clock a.m., for the following purpose, and none other:

To adopt the following joint resolution of the Senate and Assembly relative to approving the Colorado River Compact:

WHEREAS, The legislatures of the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado River Compact signed by the commissioners of the said states and the state of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922 (chapter 17 of Concurrent and Joint Resolutions, Statutes of California, 1923), and notice of the approval by the legislature of each of said approving states has been given by the Governor to the governors of the other signatory states and to the President of the United States as required by article XI of said compact; now, therefore be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the provisions of the first paragraph of article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of California and upon the other signatory states which have ratified, or may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the congress of the United States shall have given its consent and approval; *provided, however*, that this act shall be of no force and effect until a similar act or resolution shall have been passed or adopted by the legislatures of the states of Wyoming, Colorado, Nevada, New Mexico, and Utah, and the President of the United States by public proclamation shall have so declared; and be it further

*Resolved*, That Assembly Joint Resolution No. 15 passed by the Legislature of 1925 (chapter 33, Concurrent and Joint Resolutions, Statutes of 1925), and any and all other acts or resolutions inconsistent herewith be and they are hereby repealed and rescinded; and be it further

*Resolved*, That this act shall take effect and be in force from and after its passage.

In witness whereof I have hereunto set my hand and caused to be affixed thereto the Great Seal of the State of California at Sacramento this fourteenth day of October, 1926.

FRIEND WM. RICHARDSON,  
Governor of California.

{ GREAT SEAL OF THE }  
{ STATE OF CALIFORNIA. }

Attest:  
FRANK C. JORDAN,  
Secretary of State.  
By FRANK H. CORY, Deputy.

#### REMARKS BY SENATOR SLATER.

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: The roll just read indicates that since the last meeting of this Senate two of the members of this Senate have been called to the higher court. There are two vacant chairs here today and this fact occasions sincere regret. I refer to the deaths of Senator John Creighton and Senator Dr. W. F. Gates. I deem that it is appropriate at this, the first session since our friends have passed on, to suggest that we make record of our sincere feeling of regret at the death of our friends, and therefore I desire to move that when the Senate of the State of California adjourns today that it does adjourn out of respect to their memory, and I would further suggest that the Secretary of this Senate transmit to the families of our deceased friends this token of esteem.

#### RESOLUTIONS.

The following resolutions were offered:  
By Senator Sample:

*Resolved*, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read, and on motion of Senator Sample adopted.

By Senator Slater:

*Resolved*, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro tempore;  
Secretary of the Senate;  
Sergeant-at-Arms;  
Minute Clerk, and  
Chaplain.

Resolution read, and on motion of Senator Slater adopted.

NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEMPORE  
OF THE SENATE.

The President thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator Sample placed in nomination for the office of President pro tempore of the Senate the Hon. Arthur H. Breed of Alameda County, State Senator from the Fifteenth District.

Senator Crowley seconded the nomination of Senator Breed.

The President put the question, "Are there any other nominations for President pro tempore of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

FOR ARTHUR H. BREED—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

Whereupon the President declared Senator Arthur H. Breed duly elected President pro tempore of the Senate for the forty-sixth (extra) session of the California Legislature.

NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Breed placed the name of Joseph A. Beek of Balboa, Orange County, in nomination for Secretary of the Senate.

Senators Kline and Allen seconded the nomination of Joseph A. Beek for Secretary of the Senate.

The President put the question, "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOSEPH A. BEEK—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

Whereupon the President declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

## NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Powers placed the name of Joseph F. Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

Senator Lewis seconded the nomination of Joseph F. Nolan for Sergeant-at-Arms.

The President put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOSEPH F. NOLAN—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

Whereupon the President declared Joseph F. Nolan duly and unanimously elected Sergeant-at-Arms of the Senate.

## NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.

The President declared nominations for Minute Clerk of the Senate in order.

Senator Harris placed the name of Harold J. Powers of Eagleville in nomination for Minute Clerk of the Senate.

Senator Gray seconded the nomination of Harold J. Powers for Minute Clerk.

The President put the question, "Are there any other nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR HAROLD J. POWERS—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

Whereupon the President declared Harold J. Powers duly and unanimously elected Minute Clerk of the Senate.

## NOMINATIONS FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Inman placed the name of Rev. Bryant Wilson in nomination for Chaplain of the Senate.

Senator Gray seconded the nomination of the Rev. Bryant Wilson for Chaplain of the Senate.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.



The roll was called, with the following result:

FOR REV. BRYANT WILSON—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

Whereupon the President declared the Rev. Bryant Wilson duly and unanimously elected Chaplain of the Senate.

#### RESOLUTION.

The following resolution was offered:

By Senator Breed:

*Resolved*, That the standing rules of the forty-sixth regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Rules 1, 8, 9, 10, 11, 12, and 13 be stricken out and that the following be added:

65. A committee of three on contingent expenses shall be appointed by the President.

66. All resolutions and measures shall be considered by the Senate without reference to any committee.

67. All speeches shall be limited to ten minutes.

Resolution read.

Senator Breed moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—34.

NOES—None.

#### RULES OF THE SENATE.

##### *Calling to Order.*

1. The President, President pro tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

##### *Order of business.*

2. The order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading, and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

##### *Presiding Officers of the Senate—The President.*

3. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

*The President Pro Tempore.*

4. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tempore shall vote only as any other member of the Senate.

*Presiding by Senators.*

5. The President, or President pro tempore, in the absence of the President, shall have the right to name any Senator to perform the duties of the chair, who shall be vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

*Committees of the Senate—Appointment of Committees.*

6. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

*Committee on Rules.*

7. The Committee on Rules shall have the general duty of proposing or of presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication of nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

*Committee on Contingent Expenses.*

8. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been referred to and reported on by the Committee on Contingent Expenses.

*Committee on Revision and Printing.*

9. The Committee on Revision and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

*Other Senate Officers—Secretary of the Senate.*

10. 1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

*Custody of Bills and Papers.*

11. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take receipts therefor.

*Sergeant-at-Arms of the Senate.*

12. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.



*Distribution of Printed Matter.*

13. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

*Preparation and Introduction of Bills—Introduction and First Reading.*

14. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary, the bill shall be read the first time and thereupon referred by the President to a standing committee.

*Joint and Concurrent Resolutions and Constitutional Amendments.*

15. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; *provided*, that they shall have but one reading, which reading shall occur after they have been reported by committee.

*Introduction of Bills by a Committee.*

16. Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file.

*Introduction of Bills after the Constitutional Recess.*

17. The Committee on Rules shall constitute a standing committee on introduction of bills to serve after the constitutional recess. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills." The motion shall give the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited.

*Bills in Committees—Reference of Senate Bills.*

18. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Senate by a majority vote refer it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

*Order of Reference.*

19. When a resolution shall be offered, or a motion made to refer any subject and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

*Reference with Special Instructions.*

20. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend.

*Reference of Assembly Bills.*

21. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee; *provided, however*, that when an Assembly bill is received, the text of which is stated by a member to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report without delay, whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second-reading file and be considered as having received the same committee recommendation as the Senate bill; *provided*, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

*Reference of Appropriation Bills.*

22. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for adjournment sine die shall in all cases, whether originating in the Senate or coming from the Assembly, be referred to the Committee on Finance.

*Notice to Author of Bill.*

23. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

*Committee Amendments to Bills.*

24. When amendments to a bill are reported by a committee, the clerk of such committee shall prepare three copies of each amendment, one to go with the bill to the Superintendent of State Printing, one to the Minute Clerk, and one to the Secretary of the Senate.

*Reports of Committees.*

25. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time, by a majority vote, recall a bill from any committee.

*Order of Considering Bills—Order of Making File.*

26. When bills are reported from committees they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present; such vote to be taken by roll call; *provided*, that if a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

*The General File.*

27. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

*Special Order.*

28. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

*Three Readings of Bills.*

29. Every bill shall be read on three several days previous to its passage (unless in case of urgency, two-thirds of the membership of the Senate in which it is being considered shall by vote of the ayes and noes dispense with this provision).

*Ordering Bills to Third Reading.*

30. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be, "Shall the bill be ordered to third reading?"

*Bills Considered During Last Seven Days.*

31. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment sine die of the two houses of the Legislature unless permission to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

*Questions and Motions—Precedence of Motions During Debate.*

32. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

*Provided, however,* that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

*Amendment or Division of Question.*

33. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. Motions to amend the part to be stricken out shall have precedence.

*Restrictions as to Amendments.*

34. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration.

*Vote Required for Amendments.*

35. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

*Procedure of Debate—Seconding and Announcement of Motion.*

36. No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

*Regulations as to Speaking.*

37. 1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

*Seccing of the Floor.*

38. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

*Order in Debate.*

39. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

*The Previous Question.*

40. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

*Executive Session.*

41. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

*Voting by Senate—Calling Ayes and Noes.*

42. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

*Excused from Voting.*

43. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

*Reconsideration of Vote.*

44. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

*When Bill Is Held for Reconsideration.*

45. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

*When Bill Is Recalled for Reconsideration.*

46. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

*Debate on Motion to Reconsider.*

47. A Senator, after a notice to reconsider is given, as provided in Rule 46, shall, at the reconsideration thereof, present the main question in his argument



thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.

*Messengers and Other Papers—Messengers from the Governor.*

48. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a Senator is addressing the Senate.

*Messengers from the Assembly.*

49. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a member is addressing the Senate.

*Consideration of Assembly Messages.*

50. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent, or by vote of the Senate.

*Reading of Papers.*

51. When the reading of a paper (except a petition) is called for, and the same is objected to by any Senator, the question shall be determined by a vote of the Senate.

*Contents of Senate Journal—Proceedings to be Printed.*

52. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

*Titles of Bills to be Printed.*

53. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

*Statement of Petitions to be Printed.*

54. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

*Other Matter to be Printed.*

55. Messages from the Governor (other than biennial messages and inaugural addresses), joint and concurrent resolutions and constitutional amendments, when adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal in full; *provided*, that in case of a concurrent resolution offering the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

*Legislative Printing—Number of Bills Printed.*

56. Fifteen hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

*Number of Journals Printed.*

57. The Superintendent of State Printing shall print one thousand copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

*Number of Other Documents Printed.*

58. Seven hundred fifty copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

*Excess Printing Only on Written Order.*

59. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."



*Form of Printing Amendments.*

60. All bills amended shall immediately be reprinted; the new matter added by any amendments to be enclosed in heavy brackets, and the omission of any matter to be indicated by the insertion of heavy parentheses.

*The Senate Chamber—Admission Within Bar of Senate.*

61. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor while the Senate is in session.

*No Lobbying in Senate Chamber.*

62. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

*Maintaining of Order.*

63. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

*Smoking Within Senate Chamber.*

64. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

*Miscellaneous Provisions—Duties of Members.*

65. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

## RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Senator Evans:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tempore, Arthur H. Breed.  
Secretary of the Senate, Joseph A. Beck.  
Sergeant-at-Arms, Joseph F. Nolan.  
Minute Clerk, Harold J. Powers.  
Chaplain, Rev. Bryant Wilson.

Resolution read, and on motion of Senator Evans adopted.

By Senator Young:

*Resolved*, That the President of the Senate appoint a special committee of three Senators, to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Young adopted.

#### APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President of the Senate appointed Senators Young, Sample and Slater as a committee from the Senate to wait upon the Governor.

#### RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Murphy:

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to receipt to the Controller for warrants for payment for mileage to members, officers and attaches of the Senate.

Resolution read, and on motion of Senator Murphy adopted.

#### APPOINTMENT BY SECRETARY.

The following communication was received and read:

SENATE CHAMBER, SACRAMENTO, October 22, 1926.

*To the President and Members of the Senate of the State of California.*

I have the honor to inform you that I have this day appointed John T. MacDonald to the position of Assistant Secretary and Clerk of the Committee on Printing at a per diem of \$9.00, and respectfully ask the consent of the Senate thereto.

J. A. BEEK, Secretary.

Senator Breed moved that the appointment by the Secretary be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sharkey, Swing, Taylor, and West—32.

NOES—None.

#### APPOINTMENT BY SERGEANT-AT-ARMS.

The following communication was received and read:

SENATE CHAMBER, SACRAMENTO, October 22, 1926.

*To the President and Members of the Senate of the State of California.*

I have the honor to inform you that I have this day appointed John T. Young to the position of Bookkeeper to the Sergeant-at-Arms, at a per diem of \$5.00, and respectfully ask the consent of the Senate thereto.

JOS. F. NOLAN, Sergeant-at-Arms.

Senator Breed moved that the appointment by the Sergeant-at-Arms be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Powers, Sharkey, Swing, Taylor, and West—31.

NOES—None.

## APPOINTMENT OF COMMITTEE.

The President announced the appointment of Senators Maloney, Baker and Fellom as a Committee on Contingent Expenses.

## RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Committee on Contingent Expenses:

MR. PRESIDENT: Your Committee on Contingent Expenses begs leave to offer the following resolution and recommend its adoption:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Senator	County	Mileage	Total at five cents
Allen, Newton M.	Los Angeles	894	\$44 70
Baker, C. C.	Monterey	416	20 80
Boggs, Frank S.	San Joaquin	96	4 80
Breed, A. H.	Alameda	168	8 40
Canepa, V. J.	San Francisco	180	9 00
Christian, E. H.	Alameda	182	9 10
Chamberlin, Harry A.	Los Angeles	894	44 70
Crowley, J. J.	San Francisco	180	9 00
Dennett, L. L.	Stanislaus	154	7 70
Evans, Herbert Johnston	Los Angeles	914	45 70
Fellom, Roy	San Francisco	180	9 00
Gray, P. J.	San Francisco	180	9 00
Handy, Fred C.	Mendocino	390	19 50
Harris, M. B.	Fresno	338	16 90
Hollister, James J.	Santa Barbara	1,004	50 20
Hurley, Edgar C.	Alameda	168	8 40
Ingram, Thomas	Nevada	154	7 70
Inman, J. M.	Sacramento	2	10
Johnson, A. B.	Los Angeles	912	45 60
Johnson, M. B.	San Mateo	288	14 40
Jones, H. C.	Santa Clara	256	12 80
Kline, Chester M.	Riverside	1,100	55 00
Lewis, C. H. V.	Los Angeles	894	44 70
Lyons, C. W.	Los Angeles	926	46 30
Maloney, Thos. A.	San Francisco	180	9 00
Murphy, Daniel C.	San Francisco	180	9 00
Nelson, H. C.	Humboldt	624	31 20
Pedrotti, Joseph L.	Los Angeles	894	44 70
Powers, F. J.	Modoc	832	41 60
Rusb, Benj. F.	Solano	80	4 00
Sample, E. P.	San Diego	1,146	57 30
Sharkey, W. R.	Contra Costa	124	6 20
Slater, H. W.	Sonoma	180	9 00
Swing, Ralph E.	San Bernardino	1,016	50 80
Taylor, Cadet	Los Angeles	958	47 90
West, T. C.	Alameda	168	8 40
Young, Sanborn	Santa Clara	278	13 90

Officer	County	Mileage	Total at ten cents
Young, C. C., President	Alameda	168	\$16 80
Beek, Joseph A., Secretary	Orange	990	99 00
Harold Powers, Minute Clerk	Modoc	832	83 20
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40

MALONEY, Chairman.

Resolution read.

Senator Maloney moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Luman, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—34.

NOES—None.

By Senator Sharkey:

*Resolved*, That the President of the Senate appoint a special committee of three, to notify the Assembly of the organization of the Senate, and that the Senate is now ready to receive any communication they may have to make.

Resolution read, and on motion of Senator Sharkey adopted.

#### APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President of the Senate appointed Senators Sharkey, Harris and Powers as a committee from the Senate to wait upon the Assembly.

#### RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Committee on Contingent Expenses:

WHEREAS, It is necessary to employ certain statutory legislative employees of the Superintendent of Capitol Buildings and Grounds during the special session of the Legislature to properly accommodate said body, and also to do certain necessary clean-up work of the legislative chamber and committee rooms after adjournment; and

WHEREAS, There is no statutory provision for the salaries of said legislative employees for an extraordinary session; now, therefore, be it

*Resolved*, That the State Controller be and he is hereby directed and authorized to draw his warrant upon the contingent fund of the Senate in favor of Frank N. Killam, and the State Treasurer is hereby directed to pay the same for the sum of nineteen dollars and fifty cents (\$19.50), said amount being in payment of said services.

MALONEY, Chairman.

Resolution read.

Senator Maloney moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Hollister, Hurley, Ingram, Johnson, A. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Rush, Sample, Slater, Swing, Taylor, West, and Young—31.

NOES—None.

Also:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant upon the contingent fund of the Senate in favor of the following named persons for the sums set opposite their respective names and the Treasurer is directed to pay the same; said amounts being in payment for services rendered prior and incidental to the convening of the present extraordinary session of the Senate:

Joseph F. Nolan, Sergeant-at-Arms, one day -----	\$8 00
Joseph A. Beck, Secretary, one day -----	10 00
Beatrice Beckley, Stenographer, one day -----	5 00
John T. Young, Bookkeeper to Sergeant-at-Arms, one day -----	5 00
Dorothy Reese, Stenographer, one day -----	5 00

MALONEY, Chairman.

Resolution read.

Senator Maloney moved the adoption of the resolution.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Fellom, Gray, Handy, Hollister, Hurley, Ingram, Johnson, A. B., Johnson, M. B., Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Rush, Sample, Slater, Taylor, and West—28.

NOES—None.

Also:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in the sum of fifty dollars (\$50) in favor of Joseph A. Beek, Secretary of the Senate, and the Treasurer is hereby directed to pay the same for postage, telegraph, rental of typewriters, stationery and supplies, and other incidental expenses in connection with completing the work of this extraordinary session of the Senate. Vouchers and receipts and all expenditures to be furnished to the Controller.

MALONEY, Chairman.

Resolution read.

Senator Maloney moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Hollister, Hurley, Ingram, Johnson, A. B., Johnson, M. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—33.

NOES—None.

By Senator Lyon:

*Resolved*, That the following named persons be and they are hereby appointed to the respective positions hereinafter set forth, as provided by law, with the compensation set opposite their names, and the Controller is hereby directed to draw his warrants for the said respective amounts, and the Treasurer is directed to pay the same:

Miss Beatrice Beckley, Stenographer-----	\$5 00 per day
Miss Dorothy Reese, Stenographer-----	5 00 per day

Resolution read.

Senator Lyon moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, A. B., Johnson, M. B., Jones, Kline, Lewis, Lyon, Maloney, Murphy, Nelson, Pedrotti, Rush, Sample, Sharkey, Slater, Swing, Taylor, West, and Young—35.

NOES—None.

By Senator West:

WHEREAS, Since the last session of the Legislature of the State of California vacancies have occurred in appointive offices on certain boards of the State government which the Governor of the State has filled; and

WHEREAS, The laws of the State require that the names of such appointees be submitted to the Senate of the State of California for confirmation at its next session after such appointments have been made; now, therefore, be it

*Resolved by the Senate of the State of California in session assembled*, That the Honorable, the Governor of the State, be and he is hereby requested to submit to the Senate, now in session assembled, names of all appointees to public office, whose appointments require confirmation by the Senate, in order that the Senate can promptly act upon such appointments.

Resolution read.

Senator West moved the adoption of the resolution.



## MOTION TO LAY ON THE TABLE.

Senator Inman moved, seconded by Senator Sample, that Senator West's resolution be laid on the table.

Motion carried.

## INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following resolutions were introduced:

By Senator Johnson, A. B.: Senate Joint Resolution No. 1—Relating to the Colorado River Compact between the states of California, Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

## SENATE JOINT RESOLUTION No. 1.

Relating to the Colorado River Compact between the states of California, Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

WHEREAS, The legislatures of the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado River Compact signed by the commissioners of the said states and the state of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922 (chapter XVII of Concurrent and Joint Resolutions, Statutes of California, 1923), and notice of the approval by the legislature of each of said approving states has been given by the Governor to the Governors of the other signatory states and to the President of the United States as required by article XI of said compact; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the provisions of the first paragraph of article XI of the Colorado River Compact, making said compact effective when it shall have been approved by the legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of California and upon the other signatory states which have ratified, or may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the Congress of the United States shall have given its consent and approval; *provided, however*, that this act shall be of no force and effect until a similar act or resolution shall have been passed or adopted by the legislatures of the states of Wyoming, Colorado, Nevada, New Mexico, and Utah, and the President of the United States by public proclamation shall have so declared; and be it further

*Resolved*, That Assembly Joint Resolution No. 15 passed by the Legislature of 1925 (chapter XXXIII, Concurrent and Joint Resolutions, Statutes of 1925), and any and all other acts or resolutions inconsistent herewith be and they are hereby repealed and rescinded; and be it further

*Resolved*, That this act shall take effect and be in force from and after its passage.

By Senator Swing: Senate Joint Resolution No. 2—Relative to Colorado River Compact.

## RECESS.

At eleven o'clock and twenty-three minutes a.m., on motion of Senator Inman the Senate took a recess for the purpose of allowing any person not a member of the Senate to present arguments on the subject matter of Senate Joint Resolution No. 2.

## RECONVENED.

At eleven o'clock and forty minutes a.m., the Senate reconvened.

Lieutenant Governor C. C. Young, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

## INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

## SENATE JOINT RESOLUTION No. 2.

## Relative to Colorado River Compact.

WHEREAS, Through long negotiations and extended conferences with official representatives of states of the Upper Colorado River Basin, as well as with representatives of the federal government, a practical and workable plan has been devised for handling interstate rights and relations respecting the waters of the Colorado River, and this plan has been carried into the Swing-Johnson bill now pending before the Congress of the United States, entitled "A bill to provide for the construction of works for the protection and development of the Lower Colorado River Basin, for the approval of the Colorado River Compact, and for other purposes"; and,

WHEREAS, Said plan has met with general approval as assuring to the upper basin states the benefits of the Colorado River Compact and, at the same time, assuring to the lower basin states the storage essential to their present and future development; and,

WHEREAS, Any plan for the approval by California of the proposed six-state pact on the Colorado River which does not, concurrently with such approval, give assurance of such storage, would be opposed to the wise and just principle on which said bill is framed; prejudicial to the efforts to secure its passage, and contrary to the best interests of California; and,

WHEREAS, The requirements of subdivisions (a) and (b) of Assembly Joint Resolution No. 15 of the Forty-sixth Legislature, in reference to authorization of such storage and action of the Congress for making said compact binding and effective, are fully met by the provisions contained in said Swing-Johnson bill; now, therefore, be it

*Resolved by the Senate and Assembly, jointly, at an extraordinary session commencing on the twenty-second day of October, 1926, and a majority of the members elected to each house of the Legislature voting in favor thereof, that it is unnecessary and inadvisable to take action respecting said Colorado River Compact as contemplated in the call of said session; be it further*

*Resolved, That the plan of handling interstate rights and relations respecting the waters of the Colorado River, as expressed in said pending Swing-Johnson bill, is hereby approved, and assurance is hereby given that, upon the passage of said bill, the State will take such action as may be necessary to render said bill operative, and said compact effective unconditionally.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Allen, Baker, Boggs, Breed, Canepa, Chamberlin, Christian, Crowley, Dennett, Evans, Fellom, Gray, Handy, Harris, Hollister, Hurley, Ingram, Inman, Johnson, M. B., Jones, Kline, Lewis, Maloney, Murphy, Nelson, Pedrotti, Powers, Rush, Sample, Sharkey, Slater, Swing, Taylor, and West—34.

NOES—Senators Johnson, A. B., Lyon, and Young—3.

## OPINION OF ATTORNEY GENERAL.

The following extract from testimony of Hon. U. S. Webb, Attorney General, before Assembly Committee on Federal Relations on March 14, 1925, on Assembly Joint Resolution No. 15, was submitted by Senator Jones, and ordered printed in the Journal:

SENATOR SWING: Suppose that five of these six states ratify this compact without any reservation, such as is made in this resolution, and suppose California ratifies it, with the Finney resolution, and the nation goes ahead and does the thing provided in the Finney resolution, would that not then be a complete ratification by all the states?

GENERAL WEBB: No, Sir.

SENATOR SWING: Why wouldn't it?

GENERAL WEBB: For the reason that I have been trying to explain to you, that it is not the same resolution.

SENATOR SWING: It is the same resolution, is it not, as if that went in?

GENERAL WEBB: Why, you mean after Congress goes forward?

SENATOR SWING: Yes.

GENERAL WEBB: Why, yes; it would accomplish the same result, if Congress should go forward and accept this character of ratification.

SENATOR SWING: Then it would be a ratification?

GENERAL WEBB: Why, there is no question about that.

## PRESENTATION OF PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Inman:

## IN RE FINNEY RESOLUTION.

Moved by Supervisor Jackson, seconded by Supervisor Hulse and carried, that the following resolution be and the same is hereby adopted:

WHEREAS, The Finney resolution approving the Colorado River Compact has in the opinion of the board of supervisors of Imperial County, California, proved to be helpful in the passage of the Swing-Johnson bill and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the board of supervisors of Imperial County, that said board does hereby heartily approve the Finney resolution and urges upon the Legislature of California to promptly reaffirm same; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

Roll call vote:

Ayes—Supervisors Pulliam, Smith, Hulse, and Jackson.

Noes—None.

Absent and Not Voting—Supervisor Brown.

Office of the Board of Supervisors }  
of the County of Imperial, } ss.  
State of California. }

I, C. G. Mousseau, county clerk and ex officio clerk of the board of supervisors of the county of Imperial, State of California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed at a regularly adjourned meeting of said board held at El Centro, in said county and state, on the 18th day of October, 1926, as the same appears in the minutes of said board of record in my office.

Witness my hand and the seal of said board of supervisors, this 19th day of October, 1926.

C. G. MOUSSEAU, Clerk.

By E. M. SIMPSON, Deputy Clerk.

[SEAL]

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as Congress should authorize large storage on the river; and

WHEREAS, Actual experience since approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable rights; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson bill; and

WHEREAS, Imperial Irrigation District is the largest reclamation enterprise in United States and the largest water user on the Colorado River and in whom reposes the major part of the water rights in said river possessed by the State of California, and upon whom the whole of Imperial Valley is dependent for water; now, therefore, be it

*Resolved*, By Imperial Irrigation District, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untimely called will not unnecessarily impede the passage of the Swing-Johnson bill; and be it further

*Resolved*, That the Legislature at the extra session be requested to firmly commit the State of California and the development of the Colorado River, as contained in the Swing-Johnson bill and approved by the President and the secretaries of the Interior and Commerce; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

Imperial Irrigation District, } ss.  
Office of Secretary.

This is to certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of directors of the said district at its regular meeting on Tuesday, October 19, 1926.

In witness whereof, I have hereunto set my hand and the seal of said district this nineteenth day of October, 1926.

[SEAL]

F. H. McIVER, Secretary.

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as Congress should authorize large storage on the river; and

WHEREAS, Actual experience since such approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable rights; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson bill; now, therefore, be it

*Resolved*, By American Conservation Club, a voluntary organization of some 5000 members in Imperial county, having as one of its main purposes the promotion of Colorado River development, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untimely called will not unnecessarily impede the passage of the Swing-Johnson bill; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

The foregoing resolution was unanimously adopted at a regular meeting of the American Conservation Club held at El Centro, California, on the eighteenth day of October, 1926.

JNO. O. GRESHAM, President.

A. V. KLINTBERG, Secretary.

Also:

WHEREAS, The California Legislature has approved the six-state compact with the approval to be effective when large storage on the Colorado River is provided for; and

WHEREAS, It would be highly dangerous to California in general and Imperial Valley in particular to have said approval take effect without such provision for storage; and

WHEREAS, The Legislature is about to be convened for the purpose of considering unconditional ratification of said compact; now, therefore, be it

*Resolved*, By the board of trustees of the city of Calipatria, that it heartily approves the Finney resolution, by which California has heretofore approved said compact and urges upon the Legislature the reaffirmation thereof, and the commitment of California to the development of the Colorado River as proposed in the Swing-Johnson bill now pending in the Congress; and be it further

*Resolved*, That a copy of this resolution be furnished to the Speaker of the House and President of the Senate and to as many members of the Legislature as possible.

State of California, }  
County of Imperial, } ss.  
City of Calipatria.

I, P. N. Myers, clerk of the city of Calipatria and ex officio clerk of the board of trustees thereof, do hereby certify that said board of trustees consists of five (5) members; that the foregoing preamble and resolutions were submitted to J. C. Tate, A. C. Street and J. K. Griffith, members of said board and a majority thereof, and that said preamble and resolutions were approved by each of said members.



In witness whereof, I have hereunto set my hand and the seal of said city, this nineteenth day of October, 1926.

P. N. MYERS,

Clerk of the city of Calipatria and ex officio  
clerk of the board of trustees thereof.

[SEAL]

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as Congress should authorize large storage on the river; and

WHEREAS, Actual experience since approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable rights; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson bill; and

WHEREAS, The directors of the Farm Bureau of Imperial County believe that the attempt on the part of the Governor to cause said compact to be unconditionally approved is simply a move on the part of private and selfish interests to gain control of the Colorado River and its vast potentialities at the expense of agriculture in general and the Imperial Valley farmers in particular; now, therefore, be it

*Resolved*, By Imperial County Farm Bureau, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untimely called will not unnecessarily impede the passage of the Swing-Johnson bill; and be it further

*Resolved*, That the Legislature at the extra session be requested to firmly commit the State of California to the development of the Colorado River as contained in the Swing-Johnson bill and approved by the President and the secretaries of the Interior and Commerce; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

This is to certify that the foregoing is a full, true, and correct copy of a resolution adopted by the board of directors of the Imperial County Farm Bureau at its special meeting on Tuesday, October 19, 1926.

In witness whereof we have hereunto set our hands of said Imperial County Farm Bureau this nineteenth day of October, 1926.

I. C. WEBSTER, President.

J. C. ROUSER, Secretary pro tempore.

Also:

*Resolved*, By the Chamber of Commerce of the town of Westmorland, that the Legislature of California be requested at the extra session thereof to be held on the twenty-second day of October, 1926, to reaffirm its approval of the Colorado River Compact by the Finney resolution and that no approval of said compact be given except on condition that it do not become effective until storage of at least 20,000,000 acre-feet is authorized in the Colorado River at and for the benefit of the lower basin.

This is to certify that the foregoing resolution was regularly adopted by the board of directors of the Westmorland Chamber of Commerce, on the nineteenth day of October, 1926.

G. D. WALKER, Secretary.

Also:

At a meeting of the board of directors of the Chamber of Commerce of Brawley, held on this twentieth day of October, the following resolution was presented and unanimously approved:

WHEREAS, The Chamber of Commerce of the city of Brawley, which city has a population in excess of 7000 and is situated in the center of 100,000 acres of highly productive alfalfa and vegetable land and having a total population of more than 15,000 people, is wholly dependent upon the Colorado River for its irrigation and domestic supply of water; and



WHEREAS, The unconditional ratification of the Colorado River Compact would greatly jeopardize the water right of this city, county and entire valley; therefore be it

*Resolved*, That we endorse the Finney resolution and disapprove the ratification of the Colorado River Compact that would bind the State of California prior to provision for large storage in the lower basin.

H. E. PATTERSON, President.

W. W. VAN PELT, Secretary.

Also:

WHEREAS, The six-state Colorado River Compact was approved in the 1925 session of the Legislature by what is commonly referred to as the Finney resolution which makes the effective date of approval concurrent with large storage on the Colorado River; and

WHEREAS, The unconditional approval of said compact without said storage would greatly jeopardize the water rights of Imperial Valley; and

WHEREAS, The Swing-Johnson bill now pending in the Congress has been approved by the President and by the Secretary of the Interior and the Secretary of Commerce and representatives of the upper basin states and provides a reasonable method for putting said compact into effect; now, therefore, be it

*Resolved*, By the board of trustees of the city of Brawley, one of five municipalities in the Imperial Valley wholly dependent upon the Colorado River for water, that it approves the Finney resolution and urges upon the Legislature the reaffirmation thereof and that no approval of said compact should be given except that said approval be effective concurrent with, or subsequent to the authorization of large storage; and be it further

*Resolved*, That the Legislature be requested to firmly commit the State of California to the development of the Colorado River as now contained in the Swing-Johnson bill; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

This is to certify that the foregoing resolution was regularly adopted by the board of trustees of the city of Brawley, on the nineteenth day of October, 1926.

R. W. STILGENBAUR,

President Board of Trustees,

City of Brawley, California.

O. MAY JUVENAL, Clerk.

[SEAL]

Also:

*Resolved*, By the board of directors of the Chamber of Commerce of the city of El Centro, that it approves the ratification of the Colorado River Compact only upon condition that the approval becomes effective when large storage in the Colorado River is provided for by the United States; and be it further

*Resolved*, That the Legislature be requested to commit the State of California to the development of the Colorado River as provided for by the Swing-Johnson bill and approved by the President and Secretaries Work and Hoover.

This is to certify that the foregoing resolution was regularly adopted by the board of directors of El Centro Chamber of Commerce on the nineteenth day of October, 1926.

JOHN S. CARMICHAEL, Secretary.

Also:

WHEREAS, The Finney resolution approving the Colorado River Compact has, in the opinion of the board of trustees of the city of Imperial, California, proven to be helpful in the passage of the Swing-Johnson bill, and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore be it

*Resolved*, By the board of trustees of the city of Imperial, that said board does hereby heartily approve the Finney resolution, and urge upon the Legislature of California to properly reaffirm the same; and be it further

*Resolved*, That a copy of this resolution be forthwith forwarded to each house of the Legislature, and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

Passed and adopted this nineteenth day of October, 1926, by the following vote:

Ayes—Gale, Harris, Miller, Pool, Ingram.

Noes—None.

Absent—None.

D. C. GALE.

President of Board of Trustees.

State of California, }  
County of Imperial, } ss.  
City of Imperial, }

I, Lelia Foster, city clerk of the city of Imperial, California, do hereby certify that the foregoing resolution was passed and adopted by the board of trustees of the city of Imperial at a regularly specially called meeting of the board held on the nineteenth day of October, 1926.

Witness my hand and the seal of said city this nineteenth day of October, 1926.

[SEAL]

LELIA FOSTER, City Clerk.

Also:

WHEREAS, The Finney resolution approving the Colorado River Compact has, in the opinion of the executive committee of the Associated Chambers of Commerce of Imperial County, proven to be helpful in the passage of the Swing-Johnson bill, and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the Associated Chambers of Commerce of Imperial County, by its executive committee, that said chamber heartily approves the Finney resolution and urges upon the Legislature of California to promptly reaffirm the same; and be it further

*Resolved*, That a copy of this resolution be forthwith forwarded to each house of the Legislature and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

This is to certify that the foregoing resolution was regularly adopted by the executive committee of the Associated Chambers of Commerce of Imperial County the nineteenth day of October, 1926.

L. J. THOMAS, Secretary.

Also:

WHEREAS, The Finney resolution approving the Colorado River Compact has by actual experience proved to be helpful in the passage of the Swing-Johnson bill and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the board of trustees of the city of El Centro, that the said board hereby heartily approves the Finney resolution and urges upon the Legislature of California to promptly reaffirm the same; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and to as many members thereof as possible.

Passed and adopted by unanimous vote of said board this nineteenth day of October, 1926.

R. N. BUCKLIN.

President of the Board of Trustees of the City of El Centro.

Attest: J. C. NEALE, City Clerk.

State of California, }  
County of Imperial, } ss.  
City of El Centro, }

I, J. C. Neale, city clerk of the city of El Centro, State of California, do hereby certify that the foregoing Resolution No. 305 was passed and adopted by the board of trustees of the city of El Centro at a meeting of the said board held on the nineteenth day of October, 1926, by the following vote, to wit:

Ayes—Rice, Clements, Fawcett, Cary, Bucklin.

Noes—None.

Absent—None.

Witness my hand and the seal of said city this nineteenth day of October, 1926.

[SEAL]

J. C. NEALE,

City Clerk of said City of El Centro.

## EXPLANATION OF VOTE.

The following explanation of vote was submitted by Senator Taylor, and ordered printed in the Journal:

Two years ago I voted against the Boulder Dam resolution for the reason that it contained reservations, as there were at least six states represented on the Colorado River project. I thought that the reservation in any state of local interest would only result in procrastination of the construction of the Boulder Dam, which I have always most heartily favored.

The present Swing-Johnson bill in Congress provides for the unqualified endorsement of the six states, California included, of the congressional bill for the construction of the Boulder Dam. This action, in case the bill passes at the approaching session of Congress, can be taken at the regular session of the California Legislature.

I am voting for the Swing substitute for the reason that the last resolution states that the "pending Swing-Johnson bill is hereby approved, and assurance is hereby given that, upon the passage of said bill, the State will take such action as may be necessary to render said bill operative and said compact unconditionally effective."

This being in line with what I believe to be the wishes of my constituents I voted for it with the clear understanding that I still stand by my original action of favoring a resolution without any reservations whatever, however good they may be.

CADET TAYLOR.

## MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 2, relative to Colorado River Compact.

ARTHUR A. OHNIMUS, Chief Clerk.  
By E. C. LYNCH, Assistant Clerk.

Senate Joint Resolution No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1, relative to adjournment of forty-sixth (extra) session of the Legislature, sine die.

ARTHUR A. OHNIMUS, Chief Clerk.

## \* CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER ONE.

The Senate took up for consideration Assembly Concurrent Resolution No. 1:

*Resolved by the Assembly and the Senate concurring,* That the forty-sixth (extra) session of the legislature adjourn at four o'clock p.m., October twenty-second, 1926, sine die.

## AMENDMENT FROM THE FLOOR.

During the reading of the resolution the following amendment was offered and its adoption moved by Senator Breed:

## AMENDMENT NUMBER ONE.

Strike out the word "four" and insert in lieu thereof the word "two".

Amendment adopted.

Resolution read.

Senator Breed moved that the resolution be adopted as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Boggs, Breed, Chamberlain, Dennett, Fellom, Harris, Hollister, Ingram, Inman, Johnson, M. B., Jones, Kline, Lewis, Pedrotti, Powers, Rush, Sample, Sharkey, Swing, Taylor, West, and Young—23.

NOES—None.

## RESOLUTIONS.

The following resolution was offered:

By Senator Inman:

*Resolved*, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communication to transmit to the Senate.

Resolution read, and on motion of Senator Inman adopted.

## APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, Senators Inman, Boggs and Fellom were named by the President as a committee to notify the Assembly that the Senate was ready to adjourn sine die.

## RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Rush:

*Resolved*, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if he has any further communication to transmit to the Senate.

Resolution read, and, on motion of Senator Rush, adopted.

## APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, Senators Rush, Powers and Lewis were named by the President as the committee to notify the Governor that the Senate was ready to adjourn sine die.

## MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 1, relative to adjournment.

ARTHUR A. OHNIMUS, Chief Clerk.

## REPORTS OF SPECIAL COMMITTEES.

Senator Inman, as chairman of the committee appointed to notify the Assembly that the Senate was ready to adjourn sine die, reported that the committee had notified the Assembly according to its instructions, and that the Assembly would shortly convey a message to the Senate through their committee.

Also:

Senator Rush, as chairman of the committee appointed to wait upon the Governor and inform him of the Senate's readiness to adjourn sine die, reported that His Excellency had informed the said committee that he had no further communication to transmit to the Senate.

## MESSAGE FROM THE ASSEMBLY.

At one o'clock and fifty minutes p.m., a committee from the Assembly, consisting of Messrs. Graves, chairman, Dayton, Seofield and Campbell and Miss Broughton, appeared at the bar of the Senate and announced that the Assembly had no further communication to transmit to the Senate, and now was prepared for adjournment sine die.

## MESSAGE TO THE ASSEMBLY.

Upon receipt of the foregoing message from the Assembly, the President announced that the Senate had no further communication to transmit to the Assembly and requested the committee from the Assembly to convey to the Assembly the information that the Senate was now prepared to adjourn sine die.

## APPROVAL OF MINUTES.

The minutes of this day, Friday, October 22, 1926, were read, and, on motion of Senator Breed, approved as read.

## ADJOURNMENT SINE DIE.

Whereupon, at two o'clock p.m., in accordance with the provisions of Assembly Concurrent Resolution No. 1, and out of respect to the memory of the late Senators John Creighton of Bakersfield and Dr. W. F. Gates of Oroville, the President declared the forty-sixth (extraordinary) session of the Senate of the State of California adjourned sine die.

C. C. YOUNG,  
President of the Senate.

ARTHUR H. BREED,  
President pro tempore of the Senate.

JOSEPH A. BEEK,  
Secretary of the Senate.

HAROLD J. POWERS,  
Minute Clerk of the Senate.

J. T. MACDONALD,  
Assistant Secretary.

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# CALIFORNIA LEGISLATURE—ASSEMBLY.

## FORTY-SIXTH (EXTRAORDINARY) SESSION.

### IN ASSEMBLY.

ASSEMBLY CHAMBER,

SACRAMENTO, Friday, October 22, 1926.

The Assembly met at ten o'clock a.m., pursuant to the provisions of the proclamation of his Excellency, Friend Wm. Richardson, Governor of the State of California, dated the fourteenth day of October, 1926.

Hon. Frank F. Merriam, Assemblyman of the Seventieth District, and Speaker of the Assembly, in the chair.

### ANNOUNCEMENT.

Arthur A. Ohninus, Chief Clerk, announced that, pursuant to the requirements of the Political Code, section 237, the following officers of the Assembly of the forty-sixth (regular) session of the Legislature were present and in their respective positions: Arthur A. Ohninus, Chief Clerk; Louis F. Erb, Minute Clerk, and Charles H. Wilkinson, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Adams, Anderson, D. P., Anderson R. J., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Carter, Cleveland, Cloudman, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Lovey, Little, Louttit, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Mixer, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—76.

The Speaker thereupon declared a quorum present.

### PRAYER.

By invitation of the Speaker, the opening prayer was offered by Dr. Rudolph I. Coffee of Oakland, Chaplain of the Assembly of the forty-sixth (regular) session.

### COMMUNICATION.

The following communication was read and ordered printed in the Journal:

*Hon. Frank F. Merriam,*

*Speaker Assembly, State Capitol, Sacramento, California.*

Special session notice just reached me. Very sorry I am unable to be present, as business detains me in New York and impossible to reach there in time. Best wishes to yourself and all the members.

FRANK L. EKSWARD.

## GOVERNOR'S PROCLAMATION.

The Speaker directed the clerk to read the Governor's proclamation. The following proclamation was read:

## PROCLAMATION.

## CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened; now, therefore

I, Friend Wm. Richardson, Governor of the State of California, by virtue of the power and authority vested in me by section 9 of article V of the constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at the State Capitol at Sacramento, California, on Friday, the 22d day of October, 1926, at the hour of 10 o'clock a.m., for the following purpose, and none other:

To adopt the following joint resolution of the Senate and Assembly relative to approving the Colorado River compact:

"WHEREAS, The legislatures of the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado River compact signed by the commissioners of the said states and the state of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922 (chapter 17 of Concurrent and Joint Resolutions, Statutes of California, 1923), and notice of the approval by the legislature of each of said approving states has been given by the Governor to the governors of the other signatory states and to the President of the United States as required by article XI of said compact; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the provisions of the first paragraph of article XI of the Colorado River compact, making said compact effective when it shall have been approved by the legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of California and upon the other signatory states which have ratified, or may hereafter ratify it, whenever at least six of the signatory states shall have consented thereto and the Congress of the United States shall have given its consent and approval; *provided, however,* that this act shall be of no force and effect until a similar act or resolution shall have been passed or adopted by the legislatures of the states of Wyoming, Colorado, Nevada, New Mexico, and Utah and the President of the United States by public proclamation shall have so declared; and be it further

*Resolved,* That Assembly Joint Resolution No. 15 passed by the Legislature of 1925 (chapter 33, Concurrent and Joint Resolutions, Statutes of 1925), and any and all other acts or resolutions inconsistent herewith be and they are hereby repealed and rescinded; and be it further

*Resolved,* That this act shall take effect and be in force from and after its passage."

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed thereto the Great Seal of the State of California at Sacramento this 14th day of October, 1926.

[SEAL]

FRIEND WM. RICHARDSON,

Governor of California.

Attest:

FRANK C. JORDAN,

Secretary of State.

By FRANK H. CORY, Deputy.

## RESOLUTION.

The following resolution was offered:

By Mr. Rosenshine:

*Resolved,* That the following named persons constitute the officers of the Assembly with the per diem as fixed by statute:

Honorable Frank F. Merriam, Speaker;

Honorable Homer R. Spence, Speaker pro tempore;

Arthur A. Ohnimus, Chief Clerk;

Louis F. Erb, Minute Clerk;

Charles Wilkinson, Sergeant-at-Arms;

Dr. Rudolph I. Coffee, Chaplain;

Edwin C. Lynch, First Assistant Clerk;

and be it further

*Resolved,* That the State Controller be and he is hereby directed to draw his

warrants in favor of the above named persons and the State Treasurer is hereby directed to pay such warrants for and at the fixed per diem.

Mr. Rosenshine moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Carter, Cleveland, Clondman, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Levey, Little, Louttit, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Mixer, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Seefield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—76.

NOES—None.

Whereupon the Speaker declared the above named the duly elected officers of the Assembly for the forty-sixth (extra) session of the Legislature.

#### OATH OF OFFICE ADMINISTERED TO SPEAKER.

Hon. Frank F. Merriam, Speaker of the Assembly, took and subscribed to the following oath administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of California, and I will faithfully discharge the duties of the office of Speaker of the Assembly to the best of my ability.

#### APPOINTMENT OF COMMITTEE OF ESCORT FOR SPEAKER PRO TEMPORE.

The Speaker appointed Messrs. Robert B. McPherson, B. S. Crittenden, and John Runner a special committee to escort Speaker pro tempore Hon. Homer R. Spence to the bar of the Assembly.

#### OATH OF OFFICE ADMINISTERED TO SPEAKER PRO TEMPORE.

Upon arriving at the bar of the Assembly, Speaker pro tempore Hon. Homer R. Spence took and subscribed to the following oath, administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of California, and discharge the duties of the office of Speaker pro tempore of the Assembly to the best of my ability.

#### OATH OF OFFICE ADMINISTERED.

Mr. Arthur A. Ohnimus, Chief Clerk; Mr. Louis F. Erb, Minute Clerk; Mr. Edwin C. Lyneh, First Assistant Clerk; Mr. Charles Wilkinson, Sergeant-at-Arms, appeared before the bar of the Assembly, and took and subscribed to the following oath of office administered by Elijah C. Hart, Associate Justice of the Third District Court of Appeal:

We do solemnly swear that we will support the constitution of the United States and the constitution of the State of California, and discharge the duties of the office of Chief Clerk, Minute Clerk, First Assistant Clerk and Sergeant-at-Arms of the Assembly to the best of our ability.

#### RESOLUTION.

The following resolution was offered:

By Mr. Spence:

*Resolved*, That until further notice the Standing Rules of the last regular session



be and the same are hereby adopted as the rules of this extraordinary session with the following exceptions:

Rule 1 shall be amended to read as follows:

*Hour of Meeting.*

1. The sessions of the Assembly shall be daily, beginning at nine o'clock and thirty minutes a.m. A recess shall be taken at the hour of twelve o'clock and thirty minutes p.m. to two o'clock p.m., unless otherwise ordered by a vote of the House:

That the members of the committees appointed at the last regular session shall remain as the members of the committees of this extraordinary session; provided, that all vacancies shall be filled by appointment by the Speaker.

Rule S6 shall be amended to read as follows:

S6. Anything in these rules to the contrary notwithstanding any standing rule or order of the House may without previous notice be rescinded, changed, amended or suspended by a majority vote of the members of the Assembly.

Mr. Spence moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Carter, Cleveland, Cloudman, Coombs, Crittenden, Croter, Davis, Dayton, Denel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Levey, Little, Louttit, Lyons, McDonough, McDowell, Melpherson, Melville, Miller, Eleanor, Miller, J. A., Mitchell, Mixer, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—76.

NOES—None.

## STANDING RULES OF THE ASSEMBLY.

### CONVENING AND ORDER OF BUSINESS.

*Hour of Meeting.*

1. The sessions of the Assembly shall be daily, beginning at nine o'clock and thirty minutes a.m. A recess shall be taken at the hour of 12 o'clock and thirty minutes p.m. to 2 o'clock p.m., unless otherwise ordered by a vote of the House.

*Speaker to Call House to Order.*

2. The Speaker, or, in his absence, the Speaker pro tempore, shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and Speaker pro tempore, the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

*Order of Business.*

3. The order of business of the Assembly shall be as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File, Second Reading, and Third Reading of Bills.
14. Business on General File, Second Reading, and Third Reading of Bills.
15. Announcements of Committee Meetings.
16. Adjournment.

*Priority of Business.*

4. All questions relating to the priority of business shall be decided without debate.

*Motion to Adjourn.*

5. A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

## DUTIES OF THE SPEAKER.

*Speaker to Preserve Order; to Decide Points of Order; and May Speak to Same.*

6. The Speaker shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

*Speaker to Have Direction of the Hall; May Call Any Member to the Chair.*

7. The Speaker shall have general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitutions shall not extend beyond an adjournment. He shall have the control and direction of the journals, papers and bills of the Assembly. He shall have the power to see that all officers of the Assembly perform their respective duties, and may assign places to properly accredited newspaper representatives.

*Speaker to Sign Resolutions, etc., Attested by the Clerk.*

8. All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

## COMMITTEES OF THE ASSEMBLY.

*Committees to be Appointed by Speaker.*

9. All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

*Standing Committees.*

10. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of seventeen members.
2. A Committee on Attaches, to consist of seven members.
3. A Committee on Banking, to consist of nine members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Civil Service, to consist of nine members.
6. A Committee on Claims, to consist of seven members.
7. A Committee on Commerce and Navigation, to consist of nine members.
8. A Committee on Conservation, to consist of nine members.
9. A Committee on Constitutional Amendments, to consist of nine members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Contingent Expenses, to consist of five members.
12. A Committee on Corporations, to consist of nine members.
13. A Committee on County Government, to consist of fifteen members.
14. A Committee on Direct Legislation, to consist of seven members.
15. A Committee on Drainage, Swamp and Overflowed Lands, to consist of thirteen members.
16. A Committee on Education, to consist of thirteen members.
17. A Committee on Elections, to consist of eleven members.
18. A Committee on Engrossment and Enrollment, to consist of five members.
19. A Committee on Federal Relations, to consist of seven members.
20. A Committee on Fish and Game, to consist of fifteen members.
21. A Committee on Governmental Efficiency and Economy, to consist of eleven members.
22. A Committee on Governmental Revenues and Expenditures, to consist of five members.
23. A Committee on Hospitals and Asylums, to consist of thirteen members.
24. A Committee on Insurance, to consist of eleven members.
25. A Committee on Irrigation, to consist of twenty-one members.
26. A Committee on Judiciary, to consist of twenty-one members.
27. A Committee on Labor and Capital, to consist of thirteen members.
28. A Committee on Libraries, to consist of seven members.
29. A Committee on Live Stock and Dairies, to consist of eleven members.

30. A Committee on Manufactures, to consist of seven members.
31. A Committee on Medical and Dental Laws, to consist of nine members.
32. A Committee on Mileage, to consist of five members.
33. A Committee on Military Affairs, to consist of nine members.
34. A Committee on Mines and Mining, to consist of nine members.
35. A Committee on Motor Vehicles, to consist of twenty-one members.
36. A Committee on Municipal Corporations, to consist of thirteen members.
37. A Committee on Oil Industries, to consist of nine members.
38. A Committee on Prisons and Reformatories, to consist of thirteen members.
39. A Committee on Public Charities and Corrections, to consist of nine members.
40. A Committee on Public Health and Quarantine, to consist of nine members.
41. A Committee on Public Morals, to consist of eleven members.
42. A Committee on Public Utilities, to consist of eleven members.
43. A Committee on Reapportionment, to consist of twenty-one members.
44. A Committee on Revenue and Taxation, to consist of fifteen members.
45. A Committee on Revision and Printing, to consist of five members.
46. A Committee on Revision of Criminal Procedure, to consist of seven members.
47. A Committee on Roads and Highways, to consist of fifteen members.
48. A Committee on Rules, to consist of seven members, including the Speaker.
49. A Committee on Soldiers and Sailors Affairs, to consist of thirteen members.
50. A Committee on State Grounds and Parks, to consist of seven members.
51. A Committee on Teachers Colleges, to consist of seven members.
52. A Committee on Universities, to consist of seven members.
53. A Committee on Ways and Means, to consist of twenty-one members.

*Special Standing Committees.*

11. In addition to the regular standing committees of the Assembly, there shall be special standing committees, as follows:

1. A Committee on Revision and Printing, to consist of five members, as provided in the Joint Rules of the Senate and Assembly.
2. A Committee on Introduction of Bills after the Constitutional Recess, to consist of three members.

*Schedule for Committee Meetings.*

12. The Speaker shall be empowered to propose to the Assembly such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements.

*Quorum of Standing Committees.*

13. Each standing committee shall determine its own quorum and the number of affirmative votes necessary to report a bill out of committee; *provided*, that not less than a majority of all members constituting such committee shall in any case constitute such quorum, nor shall less than the affirmative votes of a majority of all members constituting such committee be sufficient to report a bill out of committee.

COMMITTEE OF THE WHOLE.

*Appropriations of Money to Be Considered in Committee of the Whole.*

14. All bills making appropriations of money may be considered in a Committee of the Whole House while on second reading by demand of five or more members.

*Proceedings of Committee of the Whole House.*

15. In forming a Committee of the Whole House, the Speaker, as chairman, or a chairman to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

*Rules in Committee of the Whole.*

16. The rules of the Assembly shall be observed in Committee of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes need not be taken.

*Motion to Rise Decided Without Debate.*

17. A motion that the committee rise shall always be in order, and shall be decided without debate.

## SPECIAL DUTIES OF CERTAIN COMMITTEES.

*Committee on Engrossment and Enrollment.*

18. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, constitutional amendments, and concurrent and joint resolutions, ordered or considered engrossed by this House with the engrossed copies thereof; and, before they pass out of the possession of this House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

*Engrossing and Enrolling Bills.*

19. The Engrossing and Enrolling Clerk shall engross and enroll the bills, constitutional amendments, and joint and concurrent resolutions which shall come to his hands for such purposes, in compliance with the provisions of section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly, and the report of such engrossment must be made to the Assembly on a day previous to the day on which such final action is taken.

*Reports of Committee on Engrossment and Enrollment.*

20. It shall be in order for the Committee on Engrossment and Enrollment to report at any time.

*Committee on Ways and Means.*

21. It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State officers and State boards or State commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

*Committee's Report on Sine Die Adjournment.*

22. Concurrent resolutions for adjournment sine die shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

*Committee on Contested Elections.*

23. It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House, as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof.

*Committee on Attaches.*

24. The Committee on Attaches shall assign the committee clerks and the official stenographers of the House to the various committees and, on recommendation of the Chief Clerk, shall have the authority to reassign any clerk or attache under him to special duties or other committees when the necessity arises.

The Committee on Attaches, in cooperation with the Chief Clerk and Sergeant-at-Arms, shall exercise general supervision over and shall systematize the work of all attaches.

The Committee on Attaches shall see to it that attaches shall not receive their per diem until they have been sworn in, and that the per diem of attaches shall be forfeited for each day on which they are absent from their duties without excuse from the authority delegated by the committee.

All assignments of committee clerks and stenographers made by the Committee on Attaches under this rule shall be reported to the House and entered in the Journal.



## DUTIES OF ASSEMBLY OFFICERS AND ATTACHES.

*Duties of Chief Clerk.*

25. The Chief Clerk shall have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. Subject to the provisions of Rule 67, he and his assistants shall read from the desk only such matter as the Speaker shall direct. He shall have the supervision of all the clerks and assistants at the desk, of all bill clerks, bill filers, stenographers, and of all committee attaches, and all pages, and shall be responsible for their performance of and regular attendance upon their duties and shall have power to suspend any such clerk or attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the cause thereof. Said suspended clerk or attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have the power to relieve the attache or clerk of his suspension, and shall have the power, subject to the approval of the House, to remove any clerk or attache for incompetency or for wilful neglect of duty. The Chief Clerk shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take receipts therefor.

*Duties of the Sergeant-at-Arms.*

26. The Sergeant-at-Arms shall attend the House during its sittings, execute the commands of the Speaker of the House, and serve all processes issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision over the Assistant Sergeant-at-Arms and gatekeepers, and shall be responsible for their performance of and regular attendance upon their duties, and shall have power to suspend any such attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the causes thereof. Said suspended attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have power to relieve the attache of his suspension and shall have the power, subject to the approval of the House, to remove any attache for incompetency or for wilful neglect of duty. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of members at least one hour previous to the opening of the session.

*Expenses of Sergeant-at-Arms.*

27. The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by the House or by any officer or committee thereof.

*Assistant Sergeant-at-Arms to Be Doorkeeper.*

28. The Assistant Sergeant-at-Arms who is designated to be the doorkeeper shall be sworn to keep the secrets of the House.

*Compensation of Attaches.*

29. No attache of the Assembly shall demand or receive from any person any compensation other than that provided by law for services performed as such attache.

## INTRODUCTION OF BILLS.

*Introduction and Reading of Bills.*

30. Any member desiring to introduce a bill shall rise in place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two-thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading, whether it is the first, second or third reading. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

*Joint and Concurrent Resolutions and Constitutional Amendments.*

31. Joint and concurrent resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; and *provided, further*, that the ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments, unless regularly demanded, or required by statute or the constitution. Proposed



amendments to the constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they have been reported by a committee. All bills, constitutional amendments, and joint and concurrent resolutions may be amended by a majority of those voting.

#### *Procedure on First Day of Introducing Bills.*

32. In each legislative session on the first day when bills are introduced, under the "Order of Business" or "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, joint or concurrent resolution. After these two roll calls, bills, constitutional amendments, joint or concurrent resolutions shall be introduced by members on recognition of the Speaker, as provided by the rules of the Assembly; and all bills, constitutional amendments or joint or concurrent resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

#### *Introduction of Bills by Committee.*

33. Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, read, ordered printed, and placed upon the Assembly file for further action.

#### *Introduction of Bills After Constitutional Recess.*

34. Immediately upon convening after the constitutional recess the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either House of the same character which might be amended to effect the results sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution and no resolution to introduce any such bill shall be adopted without the consent of three-fourths of the members of the Assembly.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill. The author of any bill shall have not more than ten minutes within which to speak to the question of the introduction of his bill and the Committee on Introduction of Bills may have the same time for reply.

#### *Reference of Bills.*

35. At the time of introduction the Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Assembly by a majority vote refer it to some other committee. A motion to re-refer a bill shall be debatable as to the propriety of such re-reference.

#### *Order of Reference.*

36. When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

#### *Referring With Special Instructions.*

37. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment to a select committee, under special instructions to amend.

*Reference of Senate Bills.*

38. When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however,* that when a Senate bill is received the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report on the next legislative day whether or not said bill is identical with the Assembly bill, and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn), shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided,* that the fact that the bills are identical shall be entered in the Journal.

*Bills to Be Reported Back to Committees.*

39. All committees shall act upon bills, constitutional amendments and resolutions referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided,* that the Assembly may at any time, by a majority vote of all its members, recall a bill, constitutional amendment or resolution from any committee.

## ORDER OF CONSIDERING BILLS.

*Order of Making File.*

40. Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 30. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows: All bills when reported to the House by the committees, except such bills as are by the report re-referred to another committee, shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by two-thirds vote of the House. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present, such vote to be taken by roll call; *provided,* that if a bill is passed on file for any reason, other than the absence of the author by leave of the Assembly, note of the fact shall be made in the General File, and when passed on file a second time the bill shall be ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

*Order Making Special File.*

41. The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

*Ordering Bills to Third Reading.*

42. After being read the second time bills shall be ordered by the Speaker to third reading (or, in the case of Assembly bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be, "Shall the bill be ordered to third reading?"

*Bills Considered During Last Seven Days.*

43. No Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill be granted by a three-fourths vote of the Assembly after being recommended by the Speaker of the Assembly.

## QUESTIONS AND MOTIONS.

*Precedence of Motions During Debate.*

44. When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first

three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

#### *Division of Questions.*

45. Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

#### *Substitute.*

46. A motion to substitute shall be deemed and held to be a motion to amend, and be treated in all respects as such.

#### *Subjects Different from the One Under Consideration.*

47. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

#### *Question Indefinitely Postponed.*

48. When a question is postponed indefinitely, the same shall not again be introduced during the session.

#### PROCEDURE OF DEBATE.

#### *Motions to Be Stated by Speaker, and If Desired Shall be Reduced to Writing, or May Be Withdrawn.*

49. No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

#### *Order in Speaking to Questions.*

50. Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than fifteen minutes upon any question except by leave of the House, and except further, the author shall be allowed fifteen minutes to open and fifteen minutes to close.

#### *Speaker to Decide Who Is Entitled to the Place.*

51. When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

#### *Calling Members to Order When Transgressing Rules.*

52. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

#### *Called to Order for Offensive Words in Debate.*

53. If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

#### THE PREVIOUS QUESTION.

#### *Previous Question Demanded.*

54. The previous question shall be put only when demanded by five members.

*Manner of Putting the Previous Question.*

55. The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

*Questions of Order After Previous Question Is Ordered.*

56. All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

## VOTING BY ASSEMBLY.

*Calling Ayes and Noes.*

57. The ayes and noes shall be taken on the final passage of all bills, and when called for by five members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

*Members at Clerk's Desk.*

58. No member, or other person, shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

*Voting on Question When Interested.*

59. No person shall vote on any question in the result of which he is personally interested or involved.

*Division and Count of House.*

60. Upon a division and count of the House on any question, no person without the bar shall be counted.

*Explaining or Changing Vote.*

61. No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced by the Chair.

*Election by House.*

62. In all cases of election by the House, the vote shall be taken *viva voce*.

*Notice of Reconsideration of Vote.*

63. On the day succeeding that on which a final vote on any bill, constitutional amendment, or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, a notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the successful side, and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

## MESSAGES, PETITIONS AND PAPERS.

*Messengers May Be Introduced.*

64. Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House.

*Messages from the Governor and Senate.*

65. Messages from the Governor and from the Senate may be considered at any time by vote of the House or by unanimous consent.

*Petitions to Be Presented With a Brief Statement of Contents.*

66. Whenever petitions, memorials, or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.



*Reading of Papers.*

67. When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate, upon brief statement of its substance by the Speaker.

## THE ASSEMBLY CHAMBER.

*Persons Admitted to the Floor.*

68. No persons except Senators, State officers, Governors and ex-Governors of the states, members of Congress, judges of the supreme, appellate and superior courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, attaches when actually engaged in work for the Assembly or a member thereof, and the wife, husband, or child of a member, shall be admitted within the Assembly Chamber, except in the gallery, during the sessions of the Assembly; *provided, however*, any other guest of any member may be admitted to the floor of the Assembly, but to no other part of the floor than to a seat at the desk of said member; *and provided, also*, that such admission of said guest shall be only by written permission of said member, countersigned by the Speaker, such permission being good only for the sessions of the day on which it is given, the names of such member and guest to be entered in the Journal when specifically requested by such member. At the convening of the Assembly in the morning, or after recess, all present except those covered by this rule shall retire from the floor of the Assembly. No one except the Sergeant-at-Arms or his deputies shall be allowed to remain in the lobby behind the rail at any time.

*No Lobbying in the Assembly Chamber.*

69. No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session, unless seated beside a member upon his invitation; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule. This rule can not be suspended except by a two-thirds vote of the entire Assembly.

*Speaker May Order the Galleries and Lobby Cleared.*

70. In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

*Smoking in the Assembly Chamber.*

71. No smoking shall be allowed within the Assembly Chamber during the session of the House; *provided*, this rule may be suspended by a vote of the majority of the members present, without notice or reference to committee.

*Use of Assembly Chamber.*

72. The Assembly room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

## LEGISLATIVE PRINTING.

*Printing of Bills.*

73. One thousand five hundred copies of all bills, and as many additional copies as the House shall order, shall be printed. The Chief Clerk or Sergeant-at-Arms shall be required to certify to the receipt by the House of all such printed matter and quantity thereof.

*Printing Extra Number of Bills, Etc.*

74. A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

*Form for Printed Amended Bills.*

75. All bills amended, either in committee or on the floor of the House, shall be immediately reprinted; the omission of any matter to be indicated by the insertion of heavy parentheses and all proposed additions to be enclosed in heavy brackets.

*Printing of Maps.*

76. Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

*Filling Blanks.*

77. In filling up blanks the least sum and shortest time shall be put first.



## MISCELLANEOUS PROVISIONS.

*Protest of Members.*

78. It shall be in order for any member or members to protest against the action of the House, and have such protest entered in the Journal.

*Personal Explanation.*

79. Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

*Right to Address Assembly.*

80. No one except a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

*Call of the House.*

81. Upon a motion being carried for a call of the House the Speaker shall immediately order the doors to be closed, and shall direct the Clerk to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave or enter the Assembly Chamber except by written permission of the Speaker, or except such members as are taken into custody as herein provided. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House; *provided, however*, that during a call of the House it may consider and transact any matter or business that the members then present shall unanimously decide to consider, but no call of the House shall be had, during the call of the House, on any matter so taken up or considered while the House is under call. When a call of the House is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the House are dispensed with, when it will forthwith become the order of business before the Assembly.

*Members Absenting Themselves.*

82. No member shall absent himself from attendance at a session of the House without the leave of the House, and no member shall obtain leave of absence or be excused without a vote of two-thirds of the House, or by unanimous consent.

*Fees for Witnesses.*

83. Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of three dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid, except where the witness has actually traveled for the purpose of giving testimony.

*No Committee Expenditures Permitted.*

84. No member of any committee shall be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Ways and Means shall, during the constitutional recess, be allowed his actual expenses while on such business.

## RULES OF PROCEDURE.

*Parliamentary Rules.*

85. The rules of parliamentary practice contained in Robert's Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and Assembly.

*Suspending and Changing Rules.*

86. Anything in these rules to the contrary notwithstanding any standing rule or order of the House may without previous notice be rescinded, changed, amended or suspended by a majority vote of the members of the Assembly.

## RESOLUTION.

The following resolution was offered:

By Mr. Carter:

*Resolved*, That the Chief Clerk be and he is hereby directed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excel-

lency, the Governor, dated the fourteenth day of October, 1926, and is ready for the transaction of legislative business, with the following officers, to wit:

Honorable Frank F. Merriam, Speaker;  
Honorable Homer R. Spence, Speaker pro tempore;  
Arthur A. Ohninus, Chief Clerk;  
Louis F. Erb, Minute Clerk;  
Charles Wilkinson, Sergeant-at-Arms;  
Rudolph L. Coffey, Chaplain;  
Edwin C. Lynch, First Assistant Clerk.

Resolution read, and on motion adopted.

#### APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed Messrs. Carter, Walters, McDowell, Browne and Mrs. Saylor as a committee to convey the above message to the Senate.

#### RESOLUTION.

The following resolution was offered:

By Mr. Jones:

*Resolved*, That a special committee of five be appointed by the Speaker, to act with a like committee from the Senate, to wait upon His Excellency, the Governor, and inform him that the two houses of the Legislature are now in session and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

#### APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Jones, Crittenden, Hartranft, Burns and Mrs. Dorris as such committee.

#### SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, October 22, 1926.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day perfected permanent organization and is ready to proceed with the business of the State, having elected the following statutory officers:

President pro tempore—Hon. Arthur H. Breed.

Secretary of Senate—Joseph A. Beek.

Minute Clerk—Harold J. Powers.

Sergeant-at-Arms—Joseph F. Nolan.

Chaplain of Senate—Rev. Bryant Wilson.

JOSEPH A. BEEK, Secretary of Senate.

#### RESOLUTIONS.

The following resolutions were offered:

By Mr. McPherson:

*Resolved*, That the Controller is hereby authorized and directed to draw his warrant upon the contingent fund of the Assembly in favor of the following named persons for the sums set opposite their respective names and the Treasurer is directed to pay the same; said amounts being in payment for one day's services prior and incident to the convening of the present extraordinary session of the Assembly:

Arthur A. Ohninus, Chief Clerk	-----\$10 00
Louis F. Erb, Minute Clerk	-----9 00
Madge Cross, Chief Stenographer	-----6 00

Mr. McPherson moved the adoption of the resolution.  
The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Burns, Byrne, Campbell, Carter, Cleveland, Cloudman, Coombs, Davis, Dayton, Denel, Dillinger, Easley, Finney, Foster, Fry, Graves, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jost, Levey, Little, Louttit, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Mixer, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker.—69.

NOES—None.

By Mr. Brock:

*Resolved*, That the chief Clerk of the Assembly be and he is hereby authorized to receipt to the Controller for any and all warrants for payment to members, officers and attaches of the Assembly after the close of the session and to mail the same to the respective owners.

Mr. Brock moved the adoption of the resolution:

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Browne, Byrne, Carter, Cloudman, Coombs, Croter, Davis, Dayton, Denel, Dillinger, Easley, Finney, Foster, Fry, Graves, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jost, Levey, Louttit, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Mixer, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker.—67.

NOES—None.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

##### ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

MR. SPEAKER: Your Committee on Mileage begs leave to report that it has computed the mileage according to Section 208 of the Political Code and recommends the adoption of the resolution herewith:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named members and officers of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same:

District	Name	Address	Distance from seat	Distance from Co. seat, more	Distance from Co. seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	J. J. Murphy	Weed, Siskiyou County	295		30	265	530	\$26 50
2	John W. Runner	Eureka, Humboldt County	312				624	31 20
3	Roseco J. Anderson	Redding, Shasta County	171				342	17 10
4	N. V. Wemple	Litchfield, Lassen County	260	18		278	556	27 80
5	Van Bernard	Butte City, Glenn County	88	15		103	206	10 30
6	Charles B. Mcville	Fort Bragg, Mendocino County	150	66		216	432	21 60
7	Charles H. Deuel	Chico, Butte County	86	28		114	228	11 40
8	Fred B. Noyes	Yuba City, Sutter County	50				100	5 00
9	Mrs. Cora M. Woodbridge	Roseville, Placer County	37		19	18	36	1 80
10	Robt. B. McPherson	Vallejo, Solano County	40	19		59	118	5 90
11	Frank L. Coombs	Napa, Napa County	61				122	6 10
12	Hulbert B. Scudder	Sebastopol, Sonoma County	90	7		97	194	9 70
13	D. P. Anderson	Santa Rosa, Sonoma County	90				180	9 00
14	Roy J. Nielsen	Sacramento, Sacramento County						
15	Percy G. West	Sacramento, Sacramento County						
16	H. E. Dillinger	Placerville, El Dorado County	60				120	6 00
17	Chas. F. Reindollar	San Rafael, Marin County	105			105	210	10 50
18	Robert P. Easley	Antioch, Contra Costa County	62	18		80	160	8 00
19	Bradford S. Crittenden	Tracy, San Joaquin County	48	20		68	136	6 80
20	Tom H. Louttit	Stockton, San Joaquin County	48	20		68	136	6 80
21	Fred C. Hawes	San Francisco, San Francisco County	90				180	9 00
22	Thomas A. Mitchell	San Francisco, San Francisco County	90				180	9 00
23	Joseph F. Burns	San Francisco, San Francisco County	90				180	9 00
25	Wm. B. Hornblower	San Francisco, San Francisco County	90				180	9 00
26	Ray Williamson	San Francisco, San Francisco County	90				180	9 00
27	Leland R. Jacobson	San Francisco, San Francisco County	90				180	9 00
28	Edgar C. Levey	San Francisco, San Francisco County	90				180	9 00
29	Harry F. Morrison	San Francisco, San Francisco County	90				180	9 00
30	Robert B. Fry	San Francisco, San Francisco County	90				180	9 00
31	Albert A. Rosecushine	San Francisco, San Francisco County	90				180	9 00
32	James A. Miller	San Francisco, San Francisco County	90				180	9 00
33	Charles A. Oliva	San Francisco, San Francisco County	90				180	9 00
34	Wm. P. Jest	Hayward, Alameda County	84	14		98	196	9 80
35	H. R. Spence	Alameda, Alameda County	84	5		89	178	8 90
36	Edward J. Smith	Oakland, Alameda County	84				168	8 40
37	Eugene W. Roland	Oakland, Alameda County	84				168	8 40
38	J. Croter	Oakland, Alameda County	84				168	8 40
39	M. J. McDonough	Oakland, Alameda County	84				168	8 40
40	Harold C. Cloudman	Berkeley, Alameda County	84				168	8 40
41	Anna L. Saylor	Berkeley, Alameda County	84				168	8 40
43	Geo. C. Cleveland	Watsonville, Santa Cruz County	198	20		218	436	21 80
44	T. M. Wright	San Jose, Santa Clara County	128				256	12 80
45	C. C. Spalding	Sunnyvale, Santa Clara County	128	10		138	276	13 80
46	Esto B. Broughton	Modesto, Stanislaus County	77				154	7 70
47	Maurice B. Browne	Sonora, Tuolumne County	125				250	12 50
48	F. E. Dayton	Salinas, Monterey County	208				416	20 80
49	E. G. Adams	Livingston, Merced County	114		14	100	200	10 00
50	Chas. A. Foster	Fowler, Fresno County	169	10		179	358	17 90
51	Herbert McDowell	Fresno, Fresno County	169				338	16 90
52	S. L. Heisinger	Selma, Fresno County	169	16		185	370	18 50
53	S. V. Wright	San Luis Obispo, San Luis Obispo County	343				686	34 30
54	Frank Johnson	Hardwick, Kings County	214	7		221	442	22 10
55	Frank W. Mixer	Exeter, Tulare County	206	10		216	432	21 60
56	Grace S. Dorris	Bakersfield, Kern County	278				556	27 80
57	Isaac Jones	Ontario, San Bernardino County	508		24	484	968	48 40
58	Archibald E. Brook	Redlands, San Bernardino County	508	12		520	1,040	52 00
59	Edgar O. Campbell	Santa Barbara, Santa Barbara County	447				894	44 70
61	Frank C. Weller	Glendale, Los Angeles County	447	8		455	910	45 50
62	Walter J. Little	Hermosa Beach, Los Angeles County	447	22		469	938	46 90
63	Sidney T. Graves	Los Angeles, Los Angeles County	447				894	44 70
64	Harry Lyons	Los Angeles, Los Angeles County	447				894	44 70
66	William M. Byrne	Los Angeles, Los Angeles County	447				894	44 70
67	Eleanor Miller	Pasadena, Los Angeles County	447	13		460	920	46 00
68	Harry F. Sewell	Los Angeles, Los Angeles County	447				894	44 70
69	Jerome V. Secfeld	Huntington Park, Los Angeles County	447	6		453	906	45 30
70	Frank F. Merriam	Long Beach, Los Angeles County	447	22		469	938	46 90
71	Harry E. Carter	Los Angeles, Los Angeles County	447	25		472	944	47 20
72	W. E. Badham	Los Angeles, Los Angeles County	447				894	44 70
73	Howard W. Davis	Los Angeles, Los Angeles County	447				894	44 70
74	F. M. Roberts	Los Angeles, Los Angeles County	447				894	44 70
75	Mark A. Pierce	Los Angeles, Los Angeles County	447				894	44 70
76	S. C. Hartnraft	Fullerton, Los Angeles County	447	27		474	948	47 40
77	Alfred C. Murray	Riverside, Riverside County	512				1,024	51 20
78	A. C. Finney	Prawley, Imperial County	661	18		679	1,358	67 90
79	Byron J. Walters	San Diego, San Diego County	573				1,146	57 30
80	Edwin A. Mueller	El Cajon, San Diego County	573	16		589	1,178	58 90

## OFFICERS.

Arthur A. Ohninus	San Francisco, San Francisco County	90				180	9 00
Louis F. Erb	San Francisco, San Francisco County	90				180	9 00
Chas. H. Wilkinson	San Francisco, San Francisco County	90				180	9 00



Mr. Bernard moved the adoption of the report and resolution.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Burns, Byrne, Cleveland, Clondman, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Levey, Little, Lowitt, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Mixter, Morrison, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—73.

NOES—Browne—1.

#### MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, October 22, 1926.

*To the Senate and Assembly of the State of California.*

You have been called to meet in extraordinary session today for the sole purpose of ratifying the Colorado River Compact. I have taken this action after long and serious study and after consultation with representatives of other states interested in conserving the water of this great river and putting it to beneficial use. There is need for immediate action upon Colorado River legislation now pending before congress and ratification of the compact will make it possible for prompt action by that body when it meets in December. It is imperative that congress should take speedy action and that the development of the Colorado River should begin as soon as possible. To delay action is to jeopardize the whole Colorado River plan and continue the flood menace to the Imperial Valley.

The Colorado River Compact was signed at Santa Fe, New Mexico, on November 24, 1922, at a conference of the states interested, called in pursuance to an act of congress approved August 19, 1921. There were present at this conference Secretary of Commerce Herbert Hoover, representing the federal government, and representatives from the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. California was represented at that conference by the late W. F. McClure, State Engineer, and the late R. T. McKisick, Deputy Attorney General.

This compact was ratified unconditionally by the California Legislature in 1923, and was also ratified by the states of Colorado, Nevada, New Mexico, Utah and Wyoming. Arizona declined to ratify.

A compact approved by six states was then suggested, so that legislation might be enacted enabling the federal government to erect without delay structures in the Colorado River designed to protect Imperial and Palo Verde valleys from the great danger of flood, to secure an adequate and regulated supply of water for Imperial and other valleys, to provide additional water for Arizona lands, to provide additional water for the cities of southern California, and to develop hydro-electric power. The six-state compact was unconditionally ratified by the legislatures of Colorado, Nevada, New Mexico, Utah and Wyoming. The California Legislature at its 1925 session made reservations and limitations which proved unacceptable to the other five states and resulted in blocking action at the last session of congress. The action of the California Legislature was in effect a nullification rather than a ratification. This action was taken against my advice and despite the protests of the governors of the five ratifying states, of Secretary of State Herbert Hoover, of California's two representatives at the original Santa Fe conference, and of others possessing intimate knowledge of the situation.

At the short session of congress beginning in December, there will be a rush to obtain favorable action on numerous proposals and the way should be cleared so that the Colorado River program and Senate Bill 2331, known as the Swing-Johnson bill, may obtain early consideration and passage. This measure contains a provision requiring the approval by six of the seven signatory states "without condition, save that of such six-state approval, and until the President by public proclamation shall have so declared." The bill further makes the approval of the compact by the United States "effective when at least six of the signatory states, including the State of California, shall have approved or may hereafter approve said compact as aforesaid and shall consent to said waiver."



It is to be noted that the quoted language of the bill is not that of the California Senator or Congressman who are credited with its authorship, but it was written into the measure by representatives of the Departments of the Interior and Commerce in an effort to save it from defeat, because of the reservations imposed by the 1925 session of the California Legislature. But even such provision is not acceptable to the other five states that have in good faith unconditionally ratified the compact, as shown by expressions I have received and which are attached hereto.

In my proclamation calling this session, I included the text of a joint resolution which I earnestly ask that you approve. This resolution is the same as that already adopted by the states of Colorado, Nevada, New Mexico, Utah and Wyoming, and conforms to the requirements of the revised Swing-Johnson bill. The adoption by your body of this resolution substantially in the form presented will put California squarely on record as favoring the Boulder Dam and Colorado River development. The reasons advanced by the 1925 Legislature for the reservations then made have been shown to be fallacious. Congress has failed and refused to act in view of the action of the 1925 California Legislature.

It is my earnest wish that some agreement may soon be reached between Arizona and the other interested states that will enable Arizona to join with the others in proceeding without further delay with this constructive undertaking.

In calling this session I have had but one purpose and that is the ratification of the six-state Colorado River Compact. As I am retiring from the office of Governor, after four years of public service, no one can honestly say that I have any political motives in connection with this matter. In fact the only motives I have are the good of the State and my desire to aid in the great Colorado River project. For the past four years I have been a consistent friend and advocate of Colorado River development. At the 1923 session of the Legislature I helped to secure the passage and ratification of the Colorado River Compact. At the 1925 session I did what I could to prevent the reservations being put into the compact resolution which blocked congressional action at the last session.

During the past four years I have had frequent conferences with federal officials, with governors and representatives of other states, with the Attorney General, with former State Engineer McClure, and State Engineer Bailey in regard to the Colorado River matter. I have made several visits to the river and know first-hand of conditions there. My work in behalf of Colorado River development has been done unostentatiously and unheralded and with a desire solely to help the people of California.

At the meeting of the National Editorial Association in San Diego last summer I called the attention of that body to the great importance of harnessing the water of the Colorado River, and to the fact that to permit the water to flow unused into the gulf was as wasteful as though every oil well in California would be allowed to empty its output into the ocean. The National Editorial Association, upon my suggestion, adopted a resolution approving the Colorado River project, and since the session many newspapers throughout the United States, which were before uninterested, have come to the help of California in settling this problem. This powerful help will be unavailing if California fails to ratify the compact.

I hope the members of the California Legislature will consider this matter on its merits, free from any political or partisan motives. There is a vital need for immediate action in order to protect the lives and property of the people of Imperial Valley. Last summer a few inches further rise in the flood would have sent the water pouring down through New River and into the Salton Sea. Many southern California cities in a few years will need the water from this great river which is now going to waste. The electric energy now going to waste should be conserved and utilized for the benefit of the people. I am now and have been a consistent friend of Colorado River development, of the Boulder Dam, of the Swing-Johnson bill as revised and rewritten, and of a canal on California soil.

I hope the members of the Legislature, regardless of their political or factional alignment, will get together to help in this great beneficial project.

I have attached hereto expressions from the governors of other states, and other persons.

Respectfully submitted.

FRIEND WM. RICHARDSON, Governor.

#### STATEMENT OF GOVERNOR MORLEY OF COLORADO.

Governor Morley of Colorado in a communication to Governor Richardson says: "Replying to your request for an expression of opinion of the consequences of continued refusal by California Legislature to ratify the Colorado River Compact without reservations, we believe such refusal will destroy the good will and spirit of cooperation heretofore existing between the seven Colorado River states and will be construed as evidencing a desire by California to gain unfair advantage of and as an unfriendly act toward the other interested states.

"Permit me to direct your attention to the following: That the Colorado River Compact was suggested, negotiated and concluded in response to pleas for relief of

the Imperial Valley and other lower river territory and in order to open the way to early construction, flood control and other works necessary to afford that relief; that California, Colorado and four other states promptly and unconditionally ratified the compact in 1923; that Arizona took no action, asking time for further consideration of her problems and her relations with California and Nevada; that delay did not relieve the menace to the Imperial Valley, and, in 1925, the four upper basin states and Nevada offered to relieve the situation by enactment of special legislation to make the compact effective between the six states, including California, which had theretofore unconditionally ratified it; that, over your earnest remonstrance, the California Legislature not only refused to accept this offer, which would have made the compact immediately effective and opened the way to cooperative effort for flood relief, but offended the people of the other five ratifying states by repealing the California ratifying act of 1923 and by adopting a new resolution conditionally agreeing to make the compact effective only when the other states (which furnish the water) should have yielded to the coercion of California and should have provided for a monopolistic reservoir of capacity and location dictated by California; that thereafter California representatives in congress pushed for consideration pending bills to authorize construction of flood control works, under agreement with representatives of the upper states that the bill, if passed, should never become effective until the California Legislature had rectified the wrong to the other states by repealing the 1925 resolution and passing a new act ratifying the compact without condition save that of six-state approval; and that you are only requesting the Legislature of your State to now rectify its wrong to the other states and for California not to await action at some future legislative session as promised by your representatives in congress.

"We who entertain the most cordial relations with the people of California and who have taken every opportunity to assist in the solution of their pressing problems, asking only that we first be afforded that protection (by compact) which is our just due as a state of origin of the river, believe that the Legislature of your State will gladly accept the opportunity to rectify the wrong to the other states and to pave the way to early cooperative action for necessary control of our great river.

"I would be remiss did I fail to say that our people will never be fully satisfied with other than the complete protection afforded by a ratification of the compact by all seven of the states. This, we believe, to be essential to the final and successful solution of Colorado River problems by both the states and our federal government. Permit me to urge that due consideration be given the claims of Arizona and that every effort be made to early conclude a just and satisfactory arrangement between the states of Arizona, California and Nevada to the end that there be that accord between the seven Colorado River states essential both to protection of their respective inherent rights as states and to the successful solution of the great problems now confronting both California and Arizona."

#### STATEMENT OF GOVERNOR HANNETT OF NEW MEXICO.

Governor Hannett of New Mexico in a communication to Governor Richardson says:

"In my judgment if California refuses to ratify six-state compact on Colorado River it will result in ultimate failure of compact as other upper states feel that California is now playing into the hands of Arizona by their attitude."

#### STATEMENT OF GOVERNOR DERN OF UTAH.

Governor Dern of Utah in a communication to Governor Richardson says: "Utah would regard unconditional ratification of the six-state Colorado River pact by the Legislature of California as a friendly act and I hope it will be accomplished. After careful consideration my conclusion is that when the California Legislature ratifies the six-state pact earnest efforts should be made by California, Arizona and Nevada to reach an agreement concerning the division to the waters allotted to the lower basin in which Utah also has a considerable interest, thus paving the way for ratification of the seven-state pact which all are agreed is essential to complete protection of all the states. In the absence of California's ratification we must in self-protection continue to oppose any development whatsoever in the lower basin."

#### STATEMENT OF GOVERNOR ROSS OF WYOMING.

Governor Ross of Wyoming in a communication to Governor Richardson says:

"Should California now ratify the Colorado River Compact without reservations, thus putting it into effect among the six states, it would afford Wyoming a large measure of protection and I sincerely hope that your state may see its way clear to take such action at an early date. If California and Arizona persist in refusing to ratify the compact, Wyoming in self defense must continue to object to development in the lower basin states based on appropriations of water from the Colorado River which would not be controlled by the terms of the compact until the rights of this state are protected by act of congress or otherwise safeguarded. It would seem to me to be the part of wisdom, if it can be done, for the lower states to reach an

agreement among themselves whereby the objections to the compact by both Arizona and California would be removed and the compact ratified by all seven states, thus giving to all the states the fullest measure of protection and permitting development on the river to go forward unimpeded."

STATEMENT OF DELPH E. CARPENTER, COMMISSIONER OF COLORADO.

Delph E. Carpenter, who was the commissioner representing Colorado at the Santa Fe conference when the Colorado River Compact was agreed upon, says:

"The question put squarely before the California Legislature by Governor Richardson's message, is whether or not the State of California will accept the offer of five of the other ratifying states to make the Colorado River Compact effective between the six states which originally ratified it, without awaiting action by Arizona and without prejudice to her rights.

"The 1923 sessions of the legislatures of California, Colorado, Nevada, New Mexico, Utah and Wyoming unconditionally ratified the Colorado River Compact, in conformity with article XI, which requires approval by the legislature of each of the signatory states and congress before the compact shall become effective. Arizona took no action, awaiting further information respecting her own problems. The delay thus foretold postponed ratification for two years or longer.

"But in the meantime, the flood menace to the Imperial Valley, California, and other districts became more imminent. This, with other causes, prompted the suggestion that the Colorado River Compact be made immediately effective between the six states which had ratified, without prejudice to Arizona. This could be accomplished by reciprocal legislation by the six states providing for waiver of the requirements of article XI of the compact. The 1925 session of the Colorado legislature passed such an act, and similar acts were passed by the legislatures of Nevada, New Mexico, Utah and Wyoming.

"But California failed to concur with the other states. While her legislature passed a resolution to make the compact ultimately effective between six or more ratifying states, it contained a provision that the resolution should not become effective until after a reservoir of 20,000,000 acre-feet capacity, at or below Boulder Canyon on the Colorado River, had been authorized for construction by the United States.

"In other words, California refused to accept the offer of the other states to make the compact immediately effective, while awaiting the action of Arizona, in order that California might be protected against destructive floods, and, by resolution of her legislature, in effect, replied that she questioned the good faith of the other states and demanded the authorization of the construction of a monopolistic reservoir for her special benefit, with funds from the treasury of the United States, before she would give the other states protection of their rights to the use of the water of the river, by approving the compact.

"The 1925 California resolution also provided for the repeal of the 1923 action of the California Legislature unconditionally ratifying the compact.

"In conformity with the resolution, California representatives in congress pressed for consideration a bill to provide for construction, with federal funds, of the Boulder Canyon Dam (on the Arizona-Nevada boundary) and the all-American Canal, and congressional approval of the Colorado River Compact. This is the act referred to by Governor Richardson.

"Realizing the danger of enactment by congress of some measure for flood control on the lower Colorado River, out of simple caution, representatives of the upper-basin states proposed, discussed and agreed upon certain amendments to the bill pending before congress, including a provision that the congressional act should not become effective until California had unconditionally approved the compact and had repealed her coercive act of 1925. This bill is still under consideration before a committee of the House of Representatives, but was favorably reported by the Senate Committee on Irrigation and will be upon the calendar for consideration at the next session of congress.

"Many of those desiring to make early provision for the protection of the lower Colorado River believe that there is small likelihood of congress passing any bill for this purpose until the Colorado River Compact has been unconditionally approved, especially in view of the demands of Arizona for a reasonable understanding with California prior to the Arizona ratification of the compact and prior to any action by congress which might interfere with Arizona interests. It is the evident desire of Governor Richardson that obstacles be removed at once by the repeal of the 1925 California resolution and substitution of an act similar to the act passed by the other five states, which originally ratified the compact. If the California Legislature takes this action at the special session and congress promptly ratifies the compact, there is better chance for favorable consideration of the pending measure for the construction of flood control.

"Justification was sought for the coercive features of the California resolution of 1925 by excuses of desire to protect present existing rights in the lower Colorado River. Such, however, are not valid, as article VIII of the compact provides that present perfected rights in the lower basin shall remain unimpaired until 'storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River



within and for the benefit of the lower basin.' In other words, construction of reservoir of that minimum capacity is a condition precedent to the final protection of the upper basin against adverse claims from present users in the lower basin and unconditional approval of the compact by the California Legislature would include this protective clause.

"The coercive features of the 1925 California resolution, coupled with the evident intent to question the good faith of the other states by the legislature of the very state which will derive the greatest benefit from works constructed in harmony with the compact, did not come with good grace. The other six states are entitled to protection of present and future development by a compact concluded and ratified by all seven states and by congress as a preliminary to any major construction on the river. In other words, there should be an agreement respecting the title of the property before the building is placed upon it. The attitude of California demanding that the building be guaranteed before she enters into a discussion of the settlement of title and that the funds for the building be withdrawn from the national treasury, is hardly in keeping with the spirit of interstate comity displayed by the other Colorado River states, which furnish the water California desires to use, and, were it not for the imminent danger to innocent people in the Imperial Valley and elsewhere, the whole matter would be left in abeyance until all questions of present and future title to the use of the waters of the river had been settled and determined by the seven-state compact, and such subsidiary compacts as are contemplated by that compact."

#### COMMUNICATIONS.

The Speaker announced that he had received the following communications, and ordered them printed in the Journal:

EL CENTRO, CALIFORNIA, October 21, 1926.

*Frank M. Merriam,*

*Speaker of Assembly, Sacramento, California.*

WHEREAS, The 1925 session of the California Legislature approved the Colorado River Compact by what is known as the Finney resolution making said approval dependent upon sufficient storage to protect California's interest and especially the interest of Imperial Valley in the Colorado River; and

WHEREAS, Actual experience has demonstrated the wisdom of such ratification and reservations; and

WHEREAS, There is now a movement upon the part of those who the inhabitants of Imperial Valley consider the enemies of the valley, its best interests and the Swing-Johnson bill now pending before congress to rescind the reservations now in force and adopt the Colorado River Compact without reservations; and

WHEREAS, the inhabitants and electors of the city of Holtville have on numerous occasions by ballot and demonstration overwhelmingly voiced their sentiment in favor of the adoption of the compact only with reservations as contained in the Finney resolution; and

WHEREAS, The people of Imperial Valley believe that they are the ones most vitally affected by the Swing-Johnson bill and/or the Colorado River Compact as it means the security of their homes and the stability of all their resources and their very existence; and

WHEREAS, Request has been made by the inhabitants and voters of the city of Holtville and the inhabitants of the surrounding rural district that this board of trustees convey to the members of the California Legislature their stand concerning the ratification of the compact; now, therefore, be it

*Resolved*, By the board of trustees of the city of Holtville that it again approves the Finney resolution approving the Colorado River Compact and urges upon the Legislature of this State of California the reaffirmation of the same and condemns any approval of the Colorado River Compact without reservations similar to those contained in the Finney resolution as dangerous to the welfare of the inhabitants of Imperial County; be it further

*Resolved*, That a copy of this resolution be forthwith forwarded to our Assemblyman, A. C. Finney, and to each house of the Legislature.

Passed and approved October 20, 1926.

H. A. TERWILLIGER,

President Board of Trustees, City of Holtville.

EL CENTRO, CALIFORNIA, October 19, 1926.

*The Speaker of the Assembly,*

*State Capitol, Sacramento, California.*

Following resolution adopted by board of supervisors of Imperial County, Monday, October eighteenth: In re Finney resolution. Moved by Supervisor Jackson, seconded by Supervisor Hulse and carried that the following resolution be and the same is hereby adopted:

WHEREAS, The Finney resolution approving the Colorado River Compact has in the opinion of the board of supervisors of Imperial County, California, proved to be helpful in the passage of the Swing-Johnson bill and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the board of supervisors of Imperial County, that said board does hereby heartily approve the Finney resolution and urges upon the Legislature of California to promptly reaffirm same; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each House of the Legislature and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

Roll Call Vote: Ayes—Supervisors Pulliam, Smith, Hulse, and Jackson. Noes—None. Absent and not voting—Supervisor Brown.

CAL G. MOUSSEAU,  
Imperial County Clerk.

EL CENTRO, CALIFORNIA, October 16, 1926.

Hon. Frank F. Merriam,  
219 Roswell Avenue,  
Long Beach, California.

DEAR SIR: I am the owner of 320 acres of the finest quality of soil in the Imperial Valley, and this has been my home almost continuously for the past twelve years, so naturally, I am deeply concerned as to the outcome of the special session of the State Legislature to convene on the twenty-second of this month. It is my sincere desire that you vote in favor of the unconditional ratification of the six-state compact on that date. I make this appeal to you not as a supporter of any special interest, but I sincerely believe it will further the progress of the whole southwest, the State of California and the Imperial Valley in particular. The southwest wants the other part of the country to do something for them to make progress, but California and Arizona have given the jealous east a good excuse for not supporting our plan.

The lack of technical engineering knowledge and the failure to heed the warning and advice of expert engineers, by well meaning but ill advised local officials, together with alarming political propaganda circulated by them in the southwest, has placed the safety of all of the land owners here, including themselves, in a very serious condition. Furthermore, the result has shaken the confidence of our financial backers to the point of much suffering in the valley. It is my opinion your support of the unconditional ratification of the compact will help materially to relieve us of this danger and suffering.

Yours truly,

J. D. ADAMS.

The following communications were presented, and ordered printed in the Journal:

By Mr. Finney:

HOLTVILLE, CALIFORNIA, October 20, 1926.

Assemblyman A. C. Finney,  
Hotel Senator, Sacramento, California.

At a special called meeting of the board of directors of the Holtville Chamber of Commerce held Wednesday, the twentieth, the following resolution was unanimously passed:

WHEREAS, There is pending before your State Legislature in special session legislation attempting to cancel the Finney resolution of the Swing-Johnson bill; and

WHEREAS, This body deems the Finney resolution of vital importance to protect and safeguard the interests of Imperial Valley; now, therefore, be it

*Resolved*, The board of directors of the Holtville Chamber of Commerce here assembled deem any action to in any way cancel or modify the Finney resolution in any particular will be detrimental to the best interests of Imperial Valley and vigorously protest against any such action.

The above is a true copy of the resolution as passed by the board of directors.

GORDON SCHNEIDER, President.

By Mr. Rosenshine:

WHEREAS, The Governor of California has called a special session of the State Legislature for the purpose of rescinding the Finney resolution, and approving unconditionally the six-state compact on the Colorado River; and,



WHEREAS, Said Finney resolution was supported by the friends of the Boulder Canyon project, and was adopted by an overwhelming majority in both houses of the Legislature; and,

WHEREAS, Such proposed rescission of said resolution would be highly prejudicial to the efforts to secure needed legislation for the development of the lower Colorado River, and for obtaining from that stream supplies of water and power required by Los Angeles and other communities of southern California; therefore, be it

*Resolved*, That the members of the Legislature whose districts lie, in whole or in part, within the city of Los Angeles, be urged to work and vote against the rescission or annulment of the Finney resolution, and against unconditional ratification of said compact; and be it further

*Resolved*, That the city clerk be instructed to immediately forward copies of this resolution to all members of the State Legislature.

I hereby certify that the foregoing resolution was unanimously adopted by the council of the city of Los Angeles at its meeting held October 15, 1926.

[SEAL]

ROBERT DOMINGUEZ,

City Clerk of the City of Los Angeles, California.

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as congress should authorize large storage on the river; and

WHEREAS, Actual experience since approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson Bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable rights; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson Bill; and

WHEREAS, Imperial Irrigation District is the largest reclamation enterprise in the United States and the largest water user on the Colorado River and in whom reposes the major part of the water rights in said river possessed by the State of California, and upon whom the whole of Imperial Valley is dependent for water; now, therefore, be it

*Resolved*, By Imperial Irrigation District, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untimely called will not unnecessarily impede the passage of the Swing-Johnson bill; and be it further

*Resolved*, That the Legislature at the extra session be requested to firmly commit the State of California to the development of the Colorado River, as contained in the Swing-Johnson bill and approved by the President and the secretaries of the Interior and Commerce; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

Imperial Irrigation District, } ss.  
Office of Secretary.

This is to certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of directors of the said district at its regular meeting on Tuesday, October 19, 1926.

In Witness Whereof, I have hereunto set my hand and the seal of said district this nineteenth day of October, 1926.

[SEAL]

F. H. McIVER, Secretary.

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as congress should authorize large storage on the river; and

WHEREAS, Actual experience since such approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable rights; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson bill; now, therefore, be it

*Resolved*, by American Conservation Club, a voluntary organization of some 5000 members in Imperial county, having as one of its main purposes the promotion of Colorado River development, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untimely called will not unnecessarily impede the passage of the Swing-Johnson bill; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

The foregoing resolution was unanimously adopted at a regular meeting of the American Conservation Club held at El Centro, California, on the eighteenth day of October, 1926.

A. V. KLINTBERG, Secretary.

JNO. O. GRESILAM, President.

Also:

WHEREAS, The California Legislature has approved the six-state compact with the approval to be effective when large storage on the Colorado River is provided for; and

WHEREAS, It would be highly dangerous to California in general and Imperial Valley in particular to have said approval take effect without such provision for storage; and

WHEREAS, The Legislature is about to be convened for the purpose of considering unconditional ratification of said compact; now, therefore, be it

*Resolved*, By the board of trustees of the city of Calipatria, that it heartily approves the Finney resolution, by which California has heretofore approved said compact and urges upon the Legislature the reaffirmation thereof, and the commitment of California to the development of the Colorado River as proposed in the Swing-Johnson bill now pending in the congress; and be it further

*Resolved*, That a copy of this resolution be furnished to the Speaker of the House and President of the Senate and to as many members of the Legislature as possible.

State of California, }  
County of Imperial, } ss.  
City of Calipatria, }

I, P. N. MYERS, clerk of the city of Calipatria and ex officio clerk of the board of trustees thereof, do hereby certify that said board of trustees consists of five (5) members; that the foregoing preamble and resolutions were submitted to J. C. Tate, A. C. Street and J. K. Griffith, members of said board and a majority thereof, and that said preamble and resolutions were approved by each of said members.

In witness whereof, I have hereunto set my hand and the seal of said city, this nineteenth day of October, 1926.

P. N. MYERS,

Clerk of the city of Calipatria and ex officio  
clerk of the board of trustees thereof.

[SEAL]

Also:

WHEREAS, The 1925 session of the Legislature approved the Colorado River Compact by what is known as the Finney resolution, by the terms of which the compact was in no wise changed but the effective date of the approval was postponed to such time as congress should authorize large storage on the river; and

WHEREAS, Actual experience since approval has demonstrated the wisdom of the Finney resolution; and

WHEREAS, Through many conferences between representatives of the lower basin and the upper basin, and with the cooperation of Mr. Hoover and Dr. Work, the present Swing-Johnson bill has been agreed upon by such representatives, and provides a reasonable and definite plan for putting the compact into effect; and

WHEREAS, The compact without large storage is not only valueless to California but is a conveyance of substantial and valuable right; and

WHEREAS, The Finney resolution provides a reasonable, equitable and eminently fair method of approval such as is practiced in ordinary business transactions of importance and has proved to be a help and not a hindrance to the passage of the Swing-Johnson bill; and

WHEREAS, The directors of the Farm Bureau of Imperial County believe that the attempt on the part of the Governor to cause said compact to be unconditionally approved is simply a move on the part of private and selfish interests to gain con-

trol of the Colorado River and its vast potentialities at the expense of agriculture in general and the Imperial Valley farmers in particular; now, therefore, be it

*Resolved*, By Imperial County Farm Bureau, that it again approves the Finney resolution and urges upon the Legislature the unanimous reaffirmation thereof to the end that the extra session of the Legislature so untruly called will not unnecessarily impede the passage of the Swing-Johnson bill; and be it further

*Resolved*, That the Legislature at the extra session be requested to firmly commit the State of California to the development of the Colorado River as contained in the Swing-Johnson bill and approved by the President and the secretaries of the Interior and Commerce; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

This is to certify that the foregoing is a full, true, and correct copy of a resolution adopted by the board of directors of the Imperial County Farm Bureau at its special meeting on Tuesday, October 19, 1926.

In witness whereof we have hereunto set our hands of said Imperial County Farm Bureau this nineteenth day of October, 1926.

I. C. WEBSTER, President.

J. C. ROUSER, Secretary pro tempore.

Also:

*Resolved*, By the Chamber of Commerce of the town of Westmorland, that the Legislature of California be requested at the extra session thereof to be held on the twenty-second day of October, 1926, to reaffirm its approval of the Colorado River Compact by the Finney resolution and that no approval of said compact be given except on condition that it do not become effective until storage of at least 20,000,000 acre-feet is authorized in the Colorado River at and for the benefit of the lower basin.

This is to certify that the foregoing resolution was regularly adopted by the board of directors of the Westmorland Chamber of Commerce, on the nineteenth day of October, 1926.

G. D. WALKER, Secretary.

Also:

At a meeting of the board of directors of the Chamber of Commerce of Brawley, held on this twentieth day of October, the following resolution was presented and unanimously approved:

WHEREAS, The Chamber of Commerce of the city of Brawley, which city has a population in excess of 7000 and is situated in the center of 100,000 acres of highly productive alfalfa and vegetable land and having a total population of more than 15,000 people, is wholly dependent upon the Colorado River for its irrigation and domestic supply of water; and

WHEREAS, The unconditional ratification of the Colorado River Compact would greatly jeopardize the water right of this city, county and entire valley; therefore be it

*Resolved*, That we endorse the Finney resolution and disapprove the ratification of the Colorado River Compact that would bind the State of California prior to provision for large storage in the lower basin.

H. E. PATTERSON, President.

W. W. VAN PELT, Secretary.

Also:

WHEREAS, The six-state Colorado River Compact was approved in the 1925 session of the Legislature by what is commonly referred to as the Finney resolution which makes the effective date of approval concurrent with large storage on the Colorado River; and

WHEREAS, The unconditional approval of said compact without said storage would greatly jeopardize the water rights of Imperial Valley; and

WHEREAS, The Swing-Johnson bill now pending in the congress has been approved by the President and by the Secretary of the Interior and the Secretary of Commerce and representatives of the upper basin states and provides a reasonable method for putting said compact into effect; now, therefore, be it

*Resolved*, By the board of trustees of the city of Brawley, one of five municipalities in the Imperial Valley wholly dependent upon the Colorado River for water, that it approves the Finney resolution and urges upon the Legislature the reaffirmation thereof and that no approval of said compact should be given except that said approval be effective concurrent with, or subsequent to the authorization of large storage; and be it further

*Resolved*, That the Legislature be requested to firmly commit the State of California to the development of the Colorado River as now contained in the Swing-Johnson bill; and be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and as many members thereof as possible.

This is to certify that the foregoing resolution was regularly adopted by the board of trustees of the city of Brawley, on the nineteenth day of October, 1926.

R. W. STILGENBAUR,  
President Board of Trustees,  
City of Brawley, California.

O. MAY JUVENAL, Clerk.  
[SEAL]

Also:

*Resolved*, By the board of directors of the Chamber of Commerce of the city of El Centro, that it approves the ratification of the Colorado River Compact only upon condition that the approval becomes effective when large storage in the Colorado River is provided for by the United States; and be it further

*Resolved*, That the Legislature be requested to commit the State of California to the development of the Colorado River as provided for by the Swing-Johnson bill and approved by the President and Secretaries Work and Hoover.

This is to certify that the foregoing resolution was regularly adopted by the board of directors of El Centro Chamber of Commerce on the nineteenth day of October, 1926.

JOHN S. CARMICHAEL, Secretary.

Also:

WHEREAS, The Finney resolution approving the Colorado River Compact has, in the opinion of the board of trustees of the city of Imperial, California, proven to be helpful in the passage of the Swing-Johnson bill, and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the board of trustees of the city of Imperial, that said board does hereby heartily approve the Finney resolution, and urge upon the Legislature of California to properly reaffirm the same; and be it further

*Resolved*, That a copy of this resolution be forthwith forwarded to each house of the Legislature, and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

Passed and adopted this nineteenth day of October, 1926, by the following vote:

Ayes—Gale, Harris, Miller, Pool, Ingram.

Noes—None.

Absent—None.

D. C. GALE,  
President of Board of Trustees.

State of California, }  
County of Imperial, } ss.  
City of Imperial, }

I, Lelia Foster, city clerk of the city of Imperial, California, do hereby certify that the foregoing resolution was passed and adopted by the board of trustees of the city of Imperial at a regularly specially called meeting of the board held on the nineteenth day of October, 1926.

Witness my hand and the seal of said city this nineteenth day of October, 1926.

[SEAL]

LELIA FOSTER, City Clerk.

Also:

Resolution of Associated Chambers of Commerce of Imperial County:

WHEREAS, The Finney resolution approving the Colorado River Compact has, in the opinion of the executive committee of the Associated Chambers of Commerce of Imperial County, proven to be helpful in the passage of the Swing-Johnson bill, and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the Associated Chambers of Commerce of Imperial County, by its executive committee, that said chamber heartily approves the Finney resolution and urges upon the Legislature of California to promptly reaffirm the same; and be it further

*Resolved*, That a copy of this resolution be forthwith forwarded to each house of the Legislature and also that copies be transmitted to Governor Friend Wm. Richardson and Assemblyman A. C. Finney.

This is to certify that the foregoing resolution was regularly adopted by the executive committee of the Associated Chambers of Commerce of Imperial County the nineteenth day of October, 1926.

L. J. THOMAS, Secretary.



Also:

A resolution of the board of trustees of the city of El Centro approving the Finney resolution.

WHEREAS, The Finney resolution approving the Colorado River Compact has by actual experience proved to be helpful in the passage of the Swing-Johnson bill and has in no wise impeded the progress thereof; and

WHEREAS, It would be highly dangerous to Imperial Valley for California to become bound by the terms of the compact without large storage; now, therefore, be it

*Resolved*, By the board of trustees of the city of El Centro, that the said board hereby heartily approves the Finney resolution and urges upon the Legislature of California to promptly reaffirm the same; be it further

*Resolved*, That a copy of this resolution be forthwith furnished to each house of the Legislature and to as many members thereof as possible.

Passed and adopted by unanimous vote of said board this nineteenth day of October, 1926.

R. N. BUCKLIN,

President of the Board of Trustees of the City of El Centro.

Attest: J. C. NEALE, City Clerk.

State of California,  
County of Imperial, } ss.  
City of El Centro.

I, J. C. Neale, city clerk of the city of El Centro, State of California, do hereby certify that the foregoing Resolution No. 305 was passed and adopted by the board of trustees of the city of El Centro at a meeting of the said board held on the nineteenth day of October, 1926, by the following vote, to wit:

Ayes—Rice, Clements, Fawcett, Cary, Bucklin.

Noes—None.

Absent—None.

Witness my hand and the seal of said city this nineteenth day of October, 1926.

[SEAL]

J. C. NEALE,

City Clerk of said City of El Centro.

#### INTRODUCTION AND REFERENCE OF BILLS.

The following Assembly Joint Resolution was introduced.

By Mr. Sewell:

#### ASSEMBLY JOINT RESOLUTION No. 1.

Relating to the Colorado River Compact between the states of California, Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

WHEREAS, The legislatures of the states of California, Colorado, Nevada, New Mexico, Utah and Wyoming heretofore have approved the Colorado river compact signed by the commissioners of the said states and the state of Arizona and approved by Herbert Hoover as the representative of the United States of America, at Santa Fe, New Mexico, November 24, 1922 (chapter seventeen of concurrent and joint resolutions, statutes of California, 1923), and notice of the approval by the legislature of each of said approving states has been given by the governor to the governors of the other signatory states and to the President of the United States as required by article eleven of said compact; now, therefore, be it

*Resolved by the assembly and senate of the State of California, jointly*, That the provisions of the first paragraph of article eleven of the Colorado river compact, making said compact effective when it shall have been approved by the legislature of each of the signatory states, are hereby waived and said compact shall become binding and obligatory upon the State of California and upon the other signatory states which have ratified, or may hereafter ratify it whenever at least six of the signatory states shall have consented thereto and the congress of the United States shall have given its consent and approval; *provided, however*, that this act shall be of no force and effect until a similar act or resolution shall have been passed or adopted by the legislatures of the states of Wyoming, Colorado, Nevada, New Mexico, and Utah, and the President of the United States by public proclamation shall have so declared; and be it further

*Resolved*, That Assembly Joint Resolution No. 15 passed by the legislature of 1925 (chapter thirty-three, concurrent and joint resolutions, statutes of 1925), and any and all other acts or resolutions inconsistent herewith be and they are hereby repealed and rescinded; and be it further

*Resolved*, That this act shall take effect and be in force from and after its passage.



Mr. Hornblower moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Joint Resolution No. 1.

Motion seconded by Mr. Crittenden.

Motion carried.

#### IN COMMITTEE OF THE WHOLE.

Speaker Merriam in the chair.

Assembly Joint Resolution No. 1 considered.

Mr. Coombs moved that the committee do now rise and report Assembly Joint Resolution No. 1 back without recommendation.

Motion carried.

#### IN ASSEMBLY.

Speaker Merriam in the chair.

#### REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

GENTLEMEN: The Committee of the Whole has had under consideration Assembly Joint Resolution No. 1, and does now report the same back without recommendation.

MERRIAM, Chairman.

#### SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, October 22, 1926.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 2, relative to Colorado River Compact.

JOSEPH A. BEEK, Secretary of Senate.

By J. T. MACDONALD, Assistant Secretary.

#### MOTION TO SUBSTITUTE.

Mr. Finney moved that Senate Joint Resolution No. 2 be substituted in place of Assembly Joint Resolution No. 1.

Motion seconded by Mr. Bernard.

The question being on the motion to substitute.

#### REQUEST FOR ROLL CALL.

On request of Messrs. Sewell, Brock, Murray, Lyons and Louttit, the Speaker ordered a roll call taken on the motion to substitute Senate Joint Resolution No. 2 for Assembly Joint Resolution No. 1.

The roll was called, and the motion to substitute carried by the following vote:

AYES—Adams, Anderson, D. P., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Carter, Cleveland, Cloudman, Coombs, Crittenden, Croter, Davis, Dayton, Denel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Levey, Little, Lyons, McDonough, McDowell, Melville, Miller, Eleanor, Miller, J. A., Mitchell, Morrison, Mueller, Murphy, Murray, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Scudder, Smith, Spalding, Spence, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., and Wright, T. M.—GS.

NOES—Anderson, R. J., Louttit, McPherson, Mixer, Pierce, Sewell, Walters, and Mr. Speaker—S.

## CONSIDERATION OF SENATE JOINT RESOLUTION NUMBER TWO.

Senate Joint Resolution No. 2—Relative to Colorado River Compact.

Mr. Finney moved the adoption of Senate Joint Resolution No. 2.

The question being on the adoption of Senate Joint Resolution No. 2.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Adams, Anderson, D. P., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Carter, Cleveland, Cloudman, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Firney, Foster, Fry, Graves, Hart-ranft, Hawes, Heisinger, Hornblower, Jacobson, Johnson, Jones, Jost, Levey, Little, Lyons, McDonough, McDowell, Melville, Miller, Eleanor; Miller, J. A., Mitchell, Morrison, Mueller, Murray, Nielsen, Noyes, Oliva, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Seudder, Smith, Spalding, Spence, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., and Wright, T. M.—67.

NOES—Anderson, R. J., Louttit, McPherson, Mixter, Pierce, Sewell, Walters, and Mr. Speaker—8.

Title read and approved.

Senate Joint Resolution No. 2 ordered transmitted to Senate.

## SENATE JOINT RESOLUTION No. 2.

Relative to Colorado River Compact.

WHEREAS, Through long negotiations and extended conferences with official representatives of states of the upper Colorado river basin, as well as with representatives of the federal government, a practical and workable plan has been devised for handling interstate rights and relations respecting the waters of the Colorado river, and this plan has been carried into the Swing-Johnson bill now pending before the congress of the United States, entitled "A bill to provide for the construction of works for the protection and development of the lower Colorado river basin, for the approval of the Colorado river compact and for other purposes"; and,

WHEREAS, Said plan has met with general approval as assuring to the upper basin states the benefits of the Colorado river compact and, at the same time, assuring to the lower basin states the storage essential to their present and future development; and,

WHEREAS, Any plan for the approval by California of the proposed six-state pact on the Colorado river which does not, concurrently with such approval, give assurance of such storage, would be opposed to the wise and just principle on which said bill is framed; prejudicial to the efforts to secure its passage, and contrary to the best interests of California; and,

WHEREAS, The requirements of subdivisions (a) and (b) of Assembly Joint Resolution No. 15 of the forty-sixth legislature, in reference to authorization of such storage and action of the congress for making said compact binding and effective, are fully met by the provisions contained in said Swing-Johnson bill; now, therefore, be it

*Resolved by the senate and assembly, jointly, at an extraordinary session commencing on the twenty-second day of October, 1926, and a majority of the members elected to each house of the Legislature voting in favor thereof, that it is unnecessary and indivisible to take action respecting said Colorado river compact as contemplated in the call of said session; be it further*

*Resolved, That the plan of handling interstate rights and relations respecting the waters of the Colorado river, as expressed in said pending Swing-Johnson bill, is hereby approved, and assurance is hereby given that, upon the passage of said bill, the state will take such action as may be necessary to render said bill operative and said compact unconditionally effective.*

## EXPLANATION OF VOTE.

Mr. Browne asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Joint Resolution No. 2 printed in the Journal:

In voting for ratifying the pact with a reservation protecting California rights, I feel that I am only doing my plain duty for the following reasons:

First—A project involving the lives and happiness of the thousands of people now living in the Imperial Valley and other parts of southern California should never be left to any private interest to develop for selfish profits.

Second—In my opinion, the ratification of the pact without reservations means that no dam of sufficient height to provide irrigation for southern California will ever be built. There will be a flood control dam constructed and the river will be turned over to the power companies to exploit. The situation is all the more serious as the Colorado River is the only possible water supply for southern California unless they take a supply from northern California, needed by northern California for the future development of the northern part of the state.

I resent very bitterly the attempt to make political capital out of this question and see no reason for calling this special session at this time and take issue with Governor Richardson's statement that the reservation adopted at the 1925 session had any thing to do with congress refusing to ratify the pact or that the adoption of the pact without reservation is necessary to secure the passage of the Swing-Johnson bill or that any action is necessary at this time.

MAURICE B. BROWNE.

Assemblyman for the Forty-seventh District.

#### INTRODUCTION AND REFERENCE OF BILL—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Mr. Deuel: Assembly Concurrent Resolution No. 1—Relative to adjournment sine die.

#### SUSPENDING RULES.

Mr. Deuel moved that the rules be suspended in order to take up Assembly Concurrent Resolution No. 1 for consideration.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Bernard, Brock, Broughton, Browne, Burns, Byrne, Campbell, Cloudman, Coombs, Crittenden, Croter, Davis, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Hartranft, Hawes, Heisinger, Johnson, Jost, Levey, Little, Louttit, Lyons, McDonough, McDowell, McPherson, Melville, Miller, Eleanor, Miller, J. A., Mitchell, Mixer, Mueller, Murphy, Murray, Nielsen, Noyes, Oliva, Pierce, Reindollar, Roberts, Roland, Rosenshine, Saylor, Scofield, Scudder, Sewell, Smith, Spalding, Spence, Walters, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—64.

NOES—None.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NUMBER ONE.

Assembly Concurrent Resolution No. 1—Relative to adjournment sine die.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Bernard, Brock, Broughton, Browne, Byrne, Carter, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Graves, Hawes, Heisinger, Johnson, Jost, Levey, Little, Louttit, McDonough, McPherson, Miller, Eleanor, Miller, J. A., Morrison, Murray, Nielsen, Oliva, Pierce, Reindollar, Roland, Rosenshine, Runner, Saylor, Scudder, Smith, Spence, Walters, Weller, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—52.

NOES—None.

Title read and approved.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Senate.

#### ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to adjournment sine die.

*Resolved by the Assembly and the Senate concurring, That the forty-sixth (extra) session of the Legislature adjourn sine die at four o'clock p. m., Friday, October twenty-two, A. D. 1926.*

## RESOLUTIONS.

The following resolutions were offered:

By Mr. Davis:

*Resolved*, That the action of Arthur A. Ohnimus, Chief Clerk, in employing necessary assistance after the organization of the Assembly, to perform their respective duties, is hereby approved and ratified and the Controller is hereby authorized and directed to draw his warrants upon the fund for the payment of officers and employees in favor of the following named persons, and the Treasurer is authorized to pay the same:

Miss Madge Cross, Chief Stenographer-----	\$6 00
Lucille Grady, Stenographer-----	5 00
Alfred Gomez, Assistant Sergeant-at-Arms-----	5 00
Theodore Reindollar, Page-----	2 50
C. E. Whiteside, Assistant Sergeant-at-Arms-----	5 00

Mr. Davis moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Bernard, Brock, Broughton, Browne, Campbell, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Hawes, Heisinger, Jacobson, Johnson, Jost, Levey, Little, Louttit, McDonough, McDowell, Miller, Eleanor; Miller, J. A., Mixter, Morrison, Murphy, Murray, Noyes, Oliva, Reindollar, Roberts, Roland, Rosenshine, Runner, Saylor, Scofield, Sewell, Smith, Spence, Walters, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—55.

NOES—None.

By Mr. Murray:

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant upon the contingent fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, in the sum of fifty dollars (\$50), for the payment of postage, supplies, and incidental expenses connected with this extraordinary session, and the State Treasurer is hereby directed and ordered to pay the same.

Mr. Murray moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Adams, Anderson, D. P., Bernard, Brock, Broughton, Browne, Carter, Coombs, Crittenden, Croter, Davis, Dayton, Deuel, Dillinger, Foster, Fry, Graves, Hartnaff, Hawes, Heisinger, Jacobsen, Johnson, Jost, Levey, Louttit, Lyons, McDonough, McDowell, McPherson, Miller, Eleanor; Miller, J. A., Mixter, Morrison, Murphy, Murray, Nielsen, Noyes, Pierce, Reindollar, Roberts, Roland, Rosenshine, Saylor, Scofield, Sewell, Smith, Spence, Walters, Wemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—55.

NOES—None.

By Mr. Carter:

WHEREAS, It is necessary to employ certain statutory legislative employees of the Superintendent of Capitol Buildings and Grounds during the special session of the Legislature to properly accommodate said body, and also to do certain necessary clean-up work of the legislative chamber and committee rooms after adjournment; and

WHEREAS, There is no statutory provision for the salaries of said legislative employees for an extraordinary session; now therefore, be it

*Resolved*, That the State Controller be and he is hereby directed and authorized to draw his warrant upon the contingent fund of the Assembly in favor of Frank N. Killam, and the State Treasurer is hereby directed to pay the same, for the sum of nineteen dollars and fifty cents (\$19.50), said amount being in payment of said services.

Mr. Carter moved the adoption of the resolution.

The question being on the adoption of the resolution.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Adams, Anderson, D. P., Anderson, R. J., Bernard, Brock, Broughton, Browne, Burns, Campbell, Carter, Coombs, Davis, Dayton, Denel, Dillinger, Dorris, Easley, Finney, Foster, Fry, Graves, Hartranft, Hawes, Heisinger, Jacobson, Johnson, Jones, Jost, Levey, Little, Louttit, McDonough, McDowell, McPherson, Miller, Eleanor; Miller, J. A., Mixter, Morrison, Murray, Nielsen, Noyes, Oliva, Reindollar, Roland, Rosenshine, Runner, Saylor, Scofield, Spence, Weemple, West, Williamson, Woodbridge, Wright, S. V., Wright, T. M., and Mr. Speaker—56.

**NOES**—None.

By Mr. Coombs:

Honorable Bismarck Bruck, a former member of this House, passed beyond this life on the twentieth day of October, 1926, and the members of this extraordinary session convening on the twenty-second day of October, 1926, desire to pay some tribute expressive of their love for his character and worth and their appreciation of the fine things for which he stood.

Bismarck Bruck was born in the county of Napa, this state, and, at the time of his death, was fifty-five years of age. He was liberally educated and always took an active and leading part in the public concerns of his country and more especially in those of the county where he was born, reared and spent his life. His father was of German descent, and as Bismarck was ushered into life about the time when the world echoed to the triumph of German arms, he named his son after the Iron Chancellor. Bismarck's mother was pure Spanish, carrying upon her cheeks and in her manners the gentle graces of her Spanish ancestry. She was a niece of General Vallejo, who played a great part in the transition period of California in 1846, when these lordly domains were transferred to the sovereignty of the Union.

Bismarck Bruck was a member of this House in the sessions of 1915, 1917 and 1919. He was formerly the Grand President of the Order of Native Sons of the Golden West. During his active career he was known as a man of sincerity, of courtesy, of truth, and of the highest courage. Whenever he thought a proposition was right, he became committed to it. Truth was his creed.

In the pursuit of his aims he was fair and courteous, yet he never hesitated in his purpose because of the fact that it might, perchance, antagonize a friend or an interest. He never sought the even tenor, never avoided frictions, for purpose was his ideal. He was fond of his friends, and they were legion. He had a foresight which fitted him for life's highest aims.

Even now, while the body of which he was once a member is engaged in the consideration of a great national problem, the friends and acquaintances of Bismarck, in the town of St. Helena, where he was born, are gathered around all that remains of him, the sad reflection of a soul that was great in all the qualities of manhood, and these, though he is gone, can not pass away.

*Resolved*, That the members of the Assembly of the State of California, on this twenty-second day of October, 1926, in extraordinary session assembled, extend their sympathy to the relatives of our deceased friend, the wife and son, who live to mourn a loss for which earth has found no repair; be it further

*Resolved*, That when the Assembly adjourns it be out of respect to the memory of Honorable Bismarck Bruck, once an honored member during the sessions of 1915, 1917 and 1919.

Resolution read.

Mr. Coombs moved the adoption of the resolution.

The resolution was unanimously adopted by a rising vote.

By Mr. Carter:

WHEREAS, The Divine Providence has been pleased to call from earthly duties one of our members, the Honorable Thomas L. Dodge, a member of the Assembly from the Sixty-fifth Assembly district of the State of California; and

WHEREAS, The deceased served as a member of the forty-sixth session of the Legislature and was reelected at the primary election of 1926 to succeed himself; and

WHEREAS, The said deceased was attentive to his duties and faithfully served the people of the State of California, and in particular of his district; now, therefore, be it

*Resolved by the Assembly in extraordinary session assembled*, That we deeply deplore the untimely death of our associate and that we extend to his bereaved widow our sympathy in the hour of her grief; and be it further



*Resolved*, That the Chief Clerk of the Assembly transmit to the widow of the deceased a copy of this resolution, and when the Assembly adjourns it be out of respect to the memory of the late Honorable Thomas L. Dodge.

Resolution read.

Mr. Carter moved the adoption of the resolution.

The resolution was unanimously adopted by a rising vote

#### COMMUNICATION.

The following communication was filed by the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, October 22, 1926.

MR. SPEAKER: Pursuant to your instructions, the following named persons have filed their credentials and are duly recognized as representatives of the newspapers set opposite their respective names:

Los Angeles Times	Kyle D. Palmer
Sacramento Bee	Walter P. Jones, Pat Doyle
San Francisco Chronicle	Earl C. Behrens
San Francisco Examiner	William H. Jordan, Herbert L. Phillips
Oakland Tribune	Dick Clark
Sacramento Union	Mrs. Dorothy Nieman
Los Angeles Examiner	Joseph Timmons

ARTHUR A. OHNIMUS, Chief Clerk.

#### MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, October 22, 1926.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and adopted as amended, Assembly Concurrent Resolution No. 1—*Resolved by the Assembly and the Senate concurring*. That this forty-sixth (extra) session of the Legislature adjourn, sine die, at two o'clock p.m. Friday, October twenty-second, A. D. 1926—and respectfully request your honorable body to concur in said amendment.

JOSEPH A. BEEK, Secretary of Senate.  
By J. T. MACDONALD, Assistant Secretary.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 1?

#### AMENDMENT NUMBER ONE.

On line 3 of the printed bill strike out the word "four" and insert in lieu thereof the word "two."

The roll was called, and Senate amendment to Assembly Concurrent Resolution No. 1 concurred in by the following vote:

AYES—Adams, Anderson, D. P., Anderson, R. J., Badham, Brock, Broughton, Browne, Burus, Byrne, Campbell, Coombs, Davis, Dayton, Denel, Dorris, Easley, Finney, Foster, Fry, Graves, Hartraft, Heisinger, Jacobson, Johnson, Jones, Jost, Levey, Little, Louttit, Lyons, McDowell, Miller, Eleanor, Miller, J. A., Mixer, Mueller, Murray, Nielsen, Noyes, Oliva, Reindollar, Roberts, Roland, Rumner, Saylor, Spence, Walters, West, Williamson, Woodbridge, Wright, S. V., and Mr. Speaker—51.  
NOES—None.

Assembly Concurrent Resolution No. 1 enrolled and presented to the Governor.

#### ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to adjournment sine die.

*Resolved by the Assembly and the Senate concurring*. That this forty-sixth (extra) session of the Legislature adjourn sine die at two o'clock p.m., Friday, October twenty-second, A. D. 1926.

## GUEST ADMITTED TO FLOOR OF ASSEMBLY.

Through the courtesy of Mr. Deuel, Mr. W. J. Costar of Chico, former member of the Legislature of the Seventh District, was extended the privilege of the floor of the Assembly for this day and his name ordered printed in the Journal.

## COMMITTEE FROM THE SENATE.

Senators Fellom, Inman and Evans appeared before the bar of the Assembly, and informed the Assembly that the Senate was now ready to adjourn sine die, and asked if the Assembly had any further message to convey to the Senate.

## SPEAKER'S REPLY.

The Speaker informed the committee that the Assembly had practically concluded its labors, and would appoint a committee to wait upon the Senate.

## RESOLUTION.

The following resolution was offered:

By Mr. Graves:

*Resolved*, That a committee of five be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is now ready to adjourn, and ask if the Senate has any further communication to make to the Assembly.

Resolution read and adopted.

## APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Graves, Dayton, Scofield, Campbell and Miss Broughton as such Select Committee.

## RESOLUTION.

The following resolution was offered:

By Mr. Easley:

*Resolved*, That a committee of five be appointed by the Speaker, to act with a like committee from the Senate, to wait upon His Excellency, the Governor, and inform him that the two houses of the Legislature are now ready to adjourn and in readiness to receive any further communications which he may have to make.

Resolution read and on motion adopted.

## APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Easley, Jacobson, Seudder, Roberts and Pierce as such Select Committee.

## REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Senate appeared before the bar of the Assembly and reported that the instructions of the Assembly had been carried out, and that it had been informed that the Senate had concluded its labors and was ready to adjourn sine die.

## REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that they had waited upon the Governor, and His Excellency had informed them that he had no further communication to convey to the Assembly.

## APPROVAL OF JOURNAL.

Mr. Louttit moved that the Journal of Friday, October 22, 1926, be approved as corrected by the Minute Clerk.

Motion carried.

## ADJOURNMENT SINE DIE.

At two o'clock p.m. on Friday, October 22, 1926, in accordance with the provisions of Assembly Concurrent Resolution No. 1, the Honorable Frank F. Merriam, Speaker of the Assembly, announced that the time for final adjournment of the forty-sixth (extraordinary) session of the Legislature of the State of California had arrived and thereupon declared the Assembly adjourned sine die, out of respect to the memory of the late Hon. Thomas L. Dodge and Hon. Bismarek Bruck.

FRANK F. MERRIAM,  
Speaker of the Assembly.

HOMER R. SPENCE,  
Speaker pro tempore of Assembly.

ARTHUR A. OHNIMUS,  
Chief Clerk of the Assembly.

LOUIS F. ERB,  
Minute Clerk of Assembly.

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